

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT
March 22, 2012 Planning Commission Meeting
Agenda Item 3

SUBJECT: 2808 and 2812 Ocean Boulevard Lot Merger - (PA2011-141)

- Lot Merger No. LM2011-002

APPLICANT: The John Guida Trust and The Julie Guida Trust
(APPELLANT)

PLANNER: Kay Sims, Assistant Planner
(949) 644-3237 or ksims@newportbeachca.gov

PROJECT SUMMARY

At the direction of the City Council, the Planning Commission will reconsider Lot Merger Application No. LM2011-002 to merge 2808 and 2812 Ocean Boulevard. The Commission will review alternative development standards proposed by the applicant to be applied to development of the property. After review, the Planning Commission will make a recommendation to the City Council to either deny or approve the lot merger application.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Recommend the City Council either approve or deny Lot Merger No. LM2011-002 No. __ by adopting:
 - Draft Resolution for Denial (Attachment No. PC 1); or
 - Draft Resolution for Approval (Attachment No. PC 2), which includes Exhibit "A" Findings and Conditions, and waiver of the requirement to file a parcel map.

VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-family residence
NORTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-family residence
SOUTH	Parks and Recreation (PR)	Parks and Recreation (PR)	Park, beach, and public restrooms
EAST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-family residence
WEST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-family residence

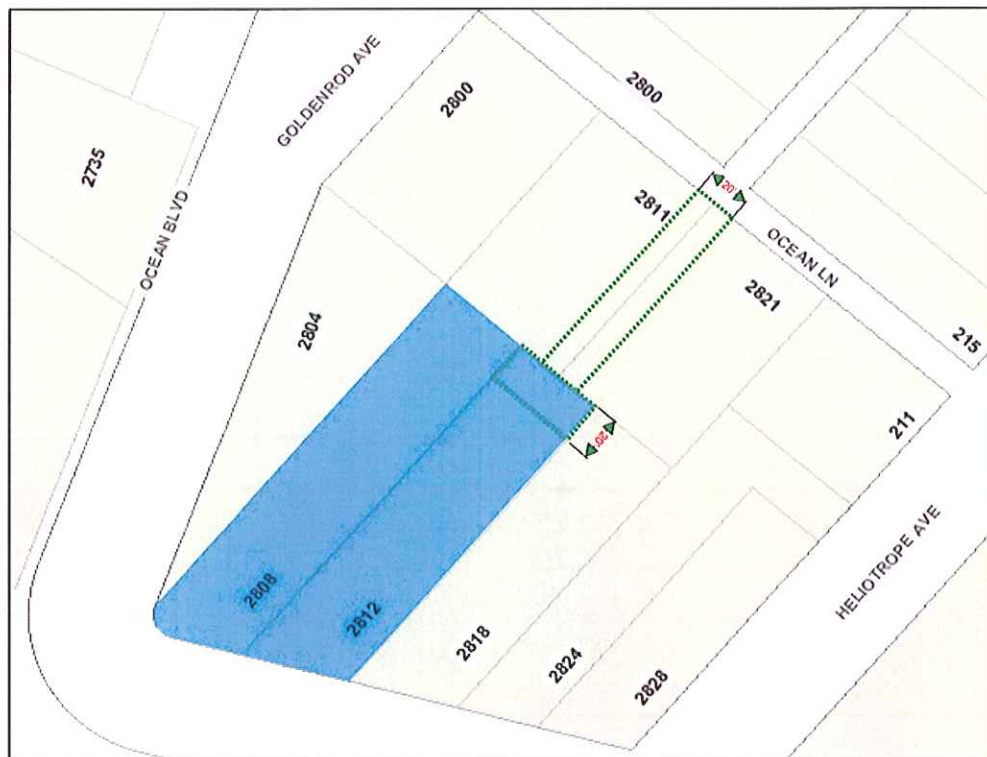
INTRODUCTION

Project Description and Setting

The applicant proposes to combine 2808 and 2812 Ocean Boulevard for the purpose of developing a new single-family residence. Furthermore, the applicant proposes to limit development of the merged property by applying alternative development standards for floor area and height, which are more restrictive than those required by the Zoning Code for properties located in the R-1 (Single-Unit Residential) Zoning District within Corona del Mar. If approved, a covenant or deed restriction would be recorded requiring future development of the merged properties to comply with the alternative development standards. The final form of this agreement would be determined by the City Attorney and Community Development Director, and would be recorded prior to the recordation of the lot merger.

The subject properties are located in Corona del Mar adjacent to the northeasterly (inland) side of Ocean Boulevard between Goldenrod and Heliotrope Avenues. The two properties consist of portions of Lots 4, 5, and 6 of Block 34. They are generally rectangular in shape with skewed front property lines and slope gently from the rear toward Ocean Boulevard. Vehicular access is provided from Ocean Lane via a 20-foot-wide shared, private ingress and egress easement at the rear of 2812 Ocean Boulevard. Each property is currently developed with a single story, single-family residence. Lookout Point and Little Corona Beach Park are located directly across Ocean Boulevard.

Access and Utility Easements to Ocean Lane



Background

Zoning Administrator Hearing and Decision

On September 14, 2011, the Zoning Administrator conducted a public hearing and reviewed the applicant's request to merge 2808 and 2812 Ocean Boulevard. After hearing public comments and considering the concerns presented, the Zoning Administrator determined that the lot merger would not negatively impact the neighboring area, and that sufficient facts of finding were stated in the Zoning Administrator Approval Action Letter to support the required findings (Attachment No. PC 3, City Council Attachment CC 3).

Appeal of Zoning Administrator Decision

On September 23, 2011, Mr. Clifford Jones (2800 Ocean Boulevard), Ms. Joan Campbell (2811 Ocean Lane), and Mr. John Silva (2821 Ocean Lane) filed an appeal of the Zoning Administrator's decision (Attachment No. PC 4, City Council Attachment CC 4).

Planning Commission Hearing and Decision

On October 20, 2011, the Planning Commission heard the appeal. During public testimony, the appellants and seven members of the public spoke in opposition to the project. Their concerns included the following: plans submitted to the City for a new, single-family residence did not comply with a private deed restriction, which limits the height of development on the subject properties; the loss of interior side setbacks of the new development would eliminate the existing public and private views across the property and result in devaluation of neighboring properties; and the alternative access to the proposed lot via Ocean Boulevard was not feasible and would be unsafe. The appellant, Mr. John Guida, his legal counsel, architect, construction contractor, and one member of the public spoke in favor of the lot merger. A point was made that the proposed project was a lot merger of the two properties, not approval of specific plans for the property, and any future development of the two properties, separately or as merged, would comply with the City's required zoning and building code regulations. Mr. Guida stated that the plans referred to by the appellants had not been resubmitted by the applicant, and he did not yet have final plans for the proposed merged property.

The Planning Commission determined that elimination of the interior lot line and its associated three foot interior side setbacks (six feet total) would create one large lot, that would accommodate more floor area with less required setback area than what the Zoning Code would allow on the two separate lots (see Table 2). They also determined that the larger lot would not be consistent with the pattern of development within the neighborhood. The Planning Commission voted 6-1 (Kramer) to reverse the decision of the Zoning Administrator and deny the lot merger. The Planning Commission minutes, resolution of denial, and staff report are provided in Attachment PC 4.

Appeal of Planning Commission Decision

On October 27, 2011, the applicant filed an appeal of the Planning Commission's action to the City Council (Attachment No. PC 4, see City Council Attachment No. CC 8).

City Council Hearing and Action

On January 24, 2012, the applicant requested that the City Council continue the appeal in order to allow him time to develop and present voluntary alternative development standards, which would be more restrictive than those allowed by the Zoning Code for development of the merged property. The goal of the more restrictive standards would be to ensure that the mass and scale of future development be compatible with the neighboring properties. The Council voted unanimously to refer the matter back to the Planning Commission.

The Council directed the Planning Commission to make a recommendation of approval or denial of the lot merger based on a review of the applicant's proposed alternative development standards.

Staff has included correspondence received prior to the Council hearing, but after publication of the staff report (Attachment No. PC 7).

Discussion

Proposed Alternative Development Standards

The applicant has submitted alternative development standards for floor area limit (FAL) and height, which are shown below (also see Attachment No. PC 5). The applicant proposes that all other City required R-1 development standards be applied to future development of the merged property. The exhibits on page 6 are for the purpose of illustrating the proposed alternative development standards only and do not represent a specific design.

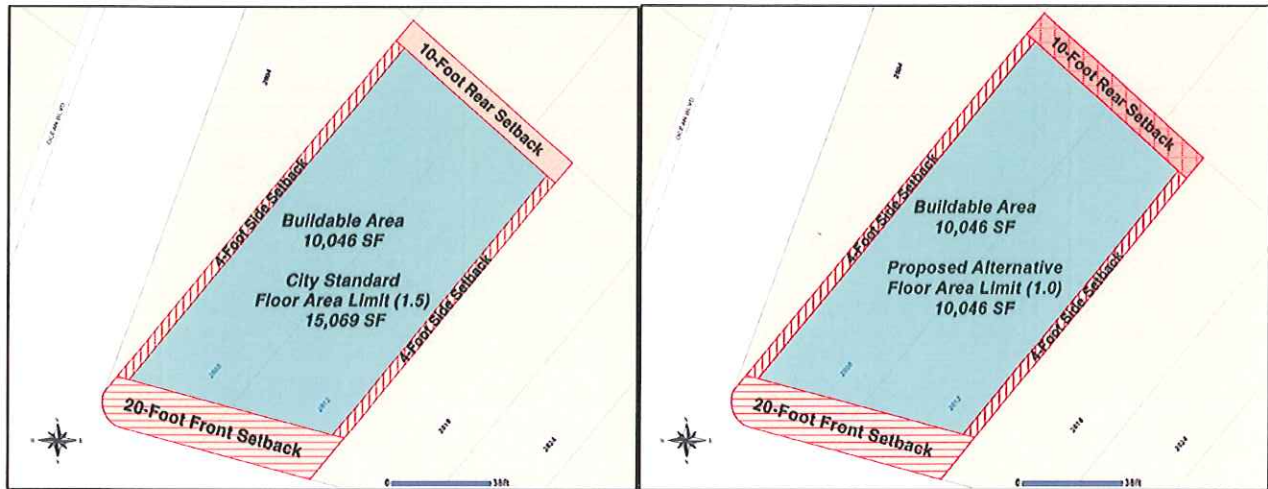
Table 1: Applicant's Proposed Alternative Development Standards

Development Standards	City	Applicant's Proposed Alternative
Maximum Floor Area Limit (FAL)	1.5 x buildable area*	1.0 x buildable area*
Maximum Height Limit (measured from "established grade" 70.2' per Zoning Code requirements (using NAVD88))	24 feet (flat roof/top of railing or parapet)	34% up to 15'6" (floor of roof deck)** 33% up to 15' (measured to top of roof) 33% up to 14' (measure to top of roof)

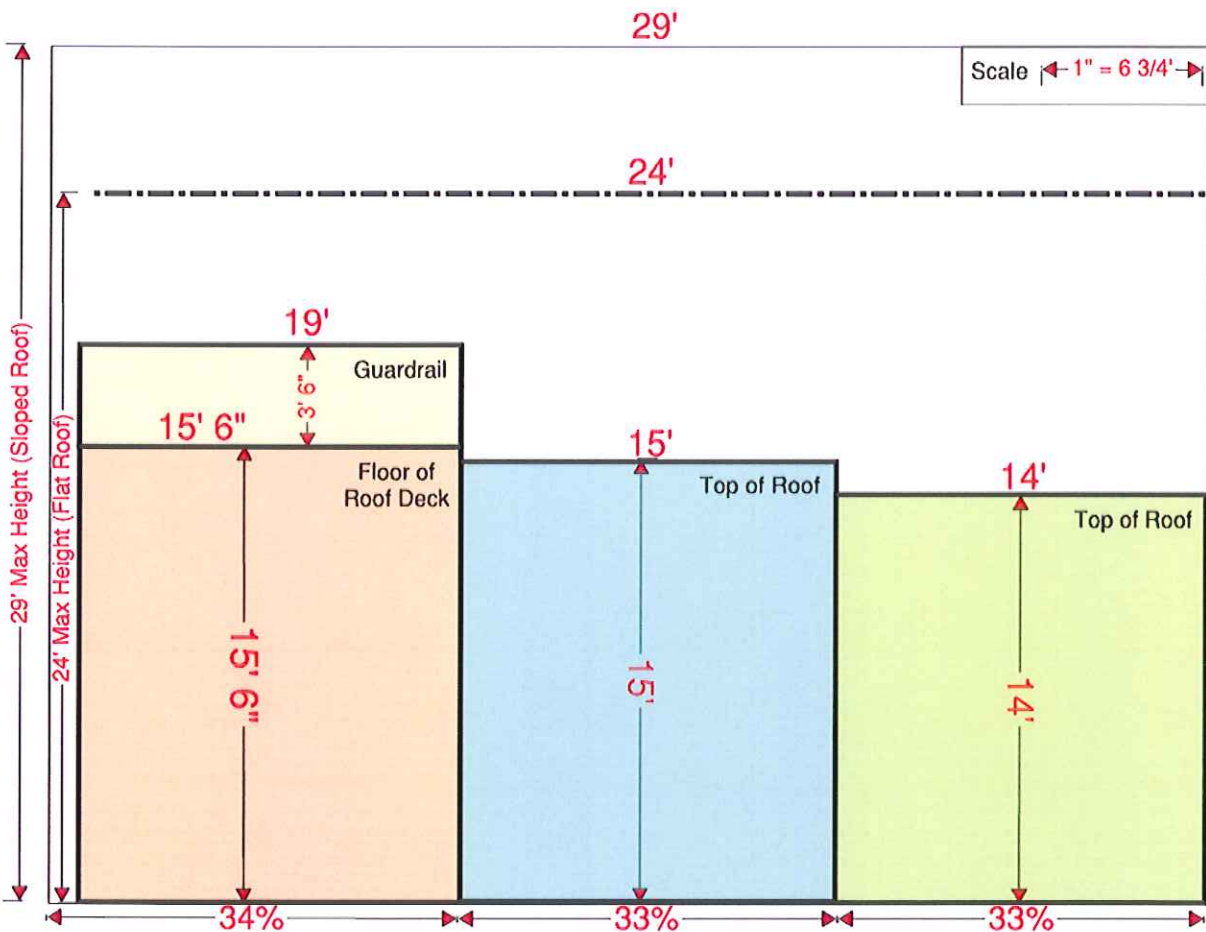
*Subterranean basements not included in maximum FAL (as per Newport Zoning Code).

**Roof deck railings may exceed the maximum height, but shall be no higher than the minimum height required by the latest California Building Code.

Comparison of Maximum Floor Area Allowed



Maximum Height Limits



Analysis

The table below compares development standards for the subject properties, as developed independently, or as merged. The last column (blue) illustrates the applicant's proposed alternative development standards for height and floor area limit (FAL) for the merged property.

Table 2: Project Characteristics

	2808 Ocean Blvd Property "A"	2812 Ocean Blvd Property "B"	Total ("A" + "B")	Merged Property	
Lot Area	7,194 sq ft	6,499 sq ft	13,693 sq ft	13,693 sq ft	13,693 sq ft
Development Standards					Proposed Alternative Development Standards
Setbacks: Front 10 ft Rear 10 ft Sides 3 ft per side	20 ft 10 ft 3 ft per side	20 ft 10 ft 3 ft per side	20 ft 10 ft 3 ft per side	20 ft 10 ft 4 ft per side	Same
Setback Areas (Total Sq Ft)	2,432 sq ft	2,332 sq ft	4,764 sq ft	3,647 sq ft	Same
Total Buildable Area	4,762 sq ft	4,167 sq ft	8,929 sq ft	10,046 sq ft	Same
Floor Area Limit (FAL)	7,143 sq ft (1.5 FAL)*	6,251 sq ft (1.5 FAL)*	13,394 sq ft (1.5 FAL)*	15,069 sq ft (1.5 FAL)*	10,046 sq ft (1.0 FAL)*
Floor Area Ratio (FAR)	.99	.96	.98	1.10	.73
Height (flat roof/sloped roof) Measured from: Established Grade of 70.2' (NAVD88)	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft	34% up to 15'6" (floor of roof decks)** 33% up to 15' (top of flat roof) 33% up to 14' (top of flat roof)

*Subterranean basements not included in maximum FAL (as per Newport Zoning Code).

**Roof deck railings may exceed the maximum height, but shall be no higher than the minimum height required by the latest California Building Code

The applicant is not proposing to deviate from the standard setbacks required by the Zoning Code for the R-1 Zoning District, and development would be located within the resulting buildable area (lot area minus setback areas). The applicant is proposing a 1.0 floor area limit (FAL) rather than the 1.5 (FAL) allowed for R-1 properties located within Corona del Mar. The resulting floor area allowed would be equivalent to the square footage of the buildable area (10,046 square feet). The resulting floor area ratio (FAR) would be .73 rather than 1.10 allowed by the Zoning Code.

The alternative standard proposed for height, limits development to the following: 34 percent up to 15 feet 6 inches (floor of roof decks), 33 percent up to 15 feet (top of flat

roof), and 33 percent up to 14 feet (top of flat roof). Development up to the various maximum height limits is not restricted to specific areas within the buildable area.

The applicant has provided conceptual plans and photo sims that appear to comply with the proposed standards (Attachment No. PC 6). However, a more detailed review would take place prior to the issuance of building permits. It should be noted that the plans do not depict a residence built to the maximum 10,046 square feet.

Summary

The applicant is proposing alternative development standards limiting the height and floor area of future development on the merged property. Specifically, the floor area limit proposed (1.0 FAL) would be a reduction of 33 percent from the floor area limit allowed by the Zoning Code (1.5 FAL). The resulting floor area ratio (.73 FAR) would be 25 percent less than the FAR allowed by the Zoning Code for the two properties, if developed independently (.98 FAR). The height development standard proposed would not only limit the maximum height of development on the property, but would also limit the percentage of development that is allowed up to a specified maximum height. The applicant believes the reductions in the allowed maximum floor area (FAL) and height will ensure that the mass and scale of future development would be compatible with properties in the surrounding area, and are sufficient to allow approval of the proposed lot merger.

Should the Planning Commission wish to recommend approval of the lot merger to the City Council, staff has prepared conditions of approval which include: 1.) the applicant's proposed alternative development standards for floor area limit (FAL) and height stated in Table 1 and Attachment No. PC 5; and 2.) a requirement to record a covenant or deed restriction, prior to development of the merged property, limiting the height and floor area of future development to the applicant's proposed alternative development standards. The final form of the covenant or deed restriction would be approved by the City Attorney and Community Development Director prior to recordation.

Alternatives

1. If the Planning Commission determines that the applicant's proposed alternative development standards do not support the findings required to grant approval of the application, the Planning Commission should adopt the draft resolution, which recommends denial of the application to the City Council (Attachment PC No. 1).
2. If the Planning Commission determines that the applicant's proposed alternative development standards allow development that would support the findings required to approve the proposed lot merger application, the Commission should recommend approval to the City Council by adopting the Draft Resolution of Approval and Conditions of Approval (Attachment No. PC 2), which include

Condition of Approval No. 1 requiring recordation of a covenant or deed restriction limiting future development of the property to the proposed alternative development standards.

Environmental Review

This project is categorically exempt under Section 15305 (Class 5 – Minor Alterations in Land Use Limitations), of the California Environmental Quality Act (CEQA) Implementing Guidelines, because it has no potential to have a significant effect on the environment. Class 5 exempts projects which consist of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property (excluding roads and waterways) and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code.

Prepared by:



Kay Sims, Assistant Planner

Submitted by:



Brenda Wisneski/AICP, Deputy Director

ATTACHMENTS

- | | |
|------|---|
| PC 1 | Draft Resolution Recommending Denial |
| PC 2 | Draft Resolution Recommending Approval |
| | Exhibit "A" Findings and Conditions |
| PC 3 | City Council Minutes (January 24, 2012) |
| PC 4 | City Council Staff Report and Attachments |
| PC 5 | Proposed Alternative Development Standards |
| PC 6 | Conceptual Plans and Photo Sims |
| PC 7 | Correspondence Received After Publication of Staff Report |

Attachment No. PC 1

Draft Resolution Recommending Denial

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING DENIAL TO THE CITY COUNCIL OF LOT MERGER NO. LM2011-002 TO MERGE THE FOLLOWING PROPERTIES, UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5, AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR, MORE COMMONLY KNOWN AS 2808 AND 2812 OCEAN BOULEVARD (PA2011-141).)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

1. An application was filed by the John Guida Trust and the Julie Guida Trust requesting a lot merger and waiver of the requirement to file a parcel map for properties located at 2808 and 2812 Ocean Boulevard, which are under common ownership, and legally described as Portions of Lots 4, 5, and 6 of Block 34 of Corona del Mar.
2. The subject property is located within the Single-Unit Residential (R-1) Zoning District, and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
3. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
4. A public hearing was held by the Zoning Administrator on September 14, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
5. Based on the facts of finding for approval and subject to the conditions of approval in the Zoning Administrator Action Letter, the Zoning Administrator approved the proposed lot merger application.
7. On September 23, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones (2800 Ocean Boulevard), Ms. Joan Campbell (2811 Ocean Lane), and Mr. John Silva (2821 Ocean Lane).
8. A public hearing was held by the Planning Commission on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning Commission considered evidence, both written and oral presented at this meeting. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.
9. The Planning Commission determined that the required findings for approval could not be made and reversed the decision for approval of the Zoning Administrator.

10. On October 27, 2011, Mr. John Guida filed an appeal of the Planning Commission's action.
11. A public hearing was held by the City Council on January 24, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code.
12. The applicant requested a continuance of the hearing to allow time to develop and present voluntary alternative development standards, which would be more restrictive than those required by the Zoning Code.
13. The Council voted unanimously to refer the matter back to the Planning Commission for further consideration and directed the Planning Commission to make a recommendation of approval or denial of the lot merger based on a review of the proposed alternative development standards.
14. A public hearing was held by the Planning Commission on March 22, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 15305 (Class 5 Minor Alterations in Land Use limitations).
2. Class 5 consists of projects with minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes to land use or increase in density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.

SECTION 3. REQUIRED FINDINGS.

The Planning Commission may approve a lot merger application only after making each of the required findings set forth in Section 19.68.030.H of Title 19 (Subdivision Code: Lot Mergers, Required Findings). In this case, the Planning Commission was unable to recommend approval of the lot merger based on the following findings.

FINDINGS

- A. The lot merger, even if the proposed alternative development standards were voluntarily recorded on the subject property, would allow development that is incompatible with the size and mass of structures on neighboring properties, other properties along Ocean Boulevard, and properties throughout Corona del Mar. Specifically, the removal of the interior lot line would eliminate the interior side setback

(three feet) on each property, create a buildable area greater than currently exists on the two separate properties, and eliminate the open space that the interior side setbacks currently provide.

- B. The lot merger would create a lot size and configuration, which is inconsistent with the development pattern of the surrounding area. Although there are lots within the surrounding area, along Ocean Boulevard, and within Corona del Mar that are similar in size to the proposed merged lot, on average, most lots are smaller in area than the proposed merged lot.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Planning Commission recommends denial to the City Council of Lot Merger Application No. LM2011-002, to merge 2808 and 2812 Ocean Boulevard, two properties under common ownership, and consisting of the following: portions of Lots 4, 5, and 6 of Block 34 Located in Corona del Mar.
2. This action shall become final and effective ten (10) days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS MARCH 22, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

Attachment No. PC 2

Draft Resolution Recommending Approval
Exhibit "A" Findings and Conditions

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING APPROVAL TO THE CITY COUNCIL OF LOT MERGER NO. LM2011-002 TO MERGE THE FOLLOWING PROPERTIES, UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5, AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR, MORE COMMONLY KNOWN AS 2808 AND 2812 OCEAN BOULEVARD (PA2011-141).

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the John Guida Trust and the Julie Guida Trust requesting a lot merger and waiver of the requirement to file a parcel map for properties located at 2808 and 2812 Ocean Boulevard, which are under common ownership, and legally described as Portions of Lots 4, 5, and 6 of Block 34 of Corona del Mar.
2. The subject property is located within the Single-Unit Residential (R-1) Zoning District, and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
3. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
4. A public hearing was held by the Zoning Administrator on September 14, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
5. Based on the facts of finding for approval and subject to the conditions of approval in the Zoning Administrator Action Letter, the Zoning Administrator approved the proposed lot merger application.
7. On September 23, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones (2800 Ocean Boulevard), Ms. Joan Campbell (2811 Ocean Lane), and Mr. John Silva (2821 Ocean Lane).
8. A public hearing was held by the Planning Commission on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning Commission considered evidence, both written and oral presented at this meeting. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

9. The Planning Commission determined that the required findings for approval could not be made and reversed the decision for approval of the Zoning Administrator.
10. On October 27, 2011, Mr. John Guida filed an appeal of the Planning Commission's action.
11. A public hearing was held by the City Council on January 24, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code.
12. The applicant requested a continuance of the hearing to allow time to develop and present voluntary alternative development standards, which would be more restrictive than those allowed by the Zoning Code.
13. The Council voted unanimously to refer the matter back to the Planning Commission for further consideration and directed the Planning Commission to make a recommendation of approval or denial of the lot merger based on a review of the proposed alternative development standards.
14. A public hearing was held by the Planning Commission on March 22, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 15305 (Class 5 Minor Alterations in Land Use limitations).
2. Class 5 consists of projects with minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes to land use or increase in density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.68.030.H of Title 19 (Subdivision Code: Lot Mergers, Required Findings) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding

- A. *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

Facts in Support of the Finding:

- A-1. The alternative development standards for height and maximum floor area (FAL) proposed by the applicant will limit development on the proposed merged property so that any future development will be compatible with the size and mass of structures on neighboring properties, other properties along Ocean Boulevard, and properties throughout Corona del Mar.
- A-2. The lot merger would not create a lot size and configuration, which is inconsistent with the development pattern of the surrounding lots.
- A-3. The proposed merger will not cause future development to impact public views of the ocean as no public views presently exist.
- A-4. The existing properties to be merged are legal building sites.
- A-5. The lot merger to combine the existing properties by removing the interior lot lines between them will not result in the creation of additional lots.
- A-6. The proposed lot merger consists of properties that have an average slope less than 20 percent and no changes in use or increase in density allowed on the merged property will occur.

Finding

- B. *The lots to be merged are under common fee ownership at the time of the merger.*

Facts in Support of the Finding:

- B-1. The two properties to be merged, 2808 and 2812 Ocean Boulevard are under common ownership.

Finding

- C. *The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- C-1. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. Each of the two existing properties meet the minimum lot area required, but do not meet the minimum lot width required (50 feet). The proposed merger of the properties would create one property, which would comply with the minimum lot width and lot area standards required by the Zoning Code.
- C-2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which is intended to provide primarily for single-family residential units on a single legal lot and does not include condominiums or cooperative housing. The Coastal Land Use Plan designates this site as Single-Unit Residential Detached (RSD-B) which provides for density ranges from 6.0-9.9 DU/AC. The existing development and proposed development of a single-unit dwelling on the site are consistent with these designations.

Finding

- D. *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of the Finding:

- D-1. Vehicular access to and from the subject site and across adjacent properties is available pursuant to a recorded ingress and egress easement at the rear of the site. Should the ingress and egress easement be terminated, vehicular access is possible from Ocean Boulevard at the front of the existing or merged parcels.

Finding

- E. *The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of the Finding:

- E-1. Corona del Mar consists of lots of varying shapes and sizes. The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13,678 square feet. Other nearby lots on Ocean Boulevard have lot widths up to as wide as 73 feet and area up to as large as 13,325 square feet. The merger of the two properties will not create an excessively large lot in comparison to some of the existing lots in the surrounding area.
- E-2. Development within the R-1 (Single-Unit Residential) Zoning District within Corona del Mar can have a maximum floor area limit (FAL) 1.5 times the buildable area of the lot. The proposed merged property will be developed with a 1.0 FAL, which is equal to the buildable area of the merged lot, and will result in development consistent with properties in the surrounding area.

Finding

- F. *That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- F-1. The existing properties currently comply with the design standards and improvements required by the Zoning Code, General Plan, and Coastal Land Use Plan.
- F-2. The proposed lot merger combines the existing properties into a single parcel of land and does not result in the elimination of more than three lots or lot portions.
- F-3. Approval of the proposed lot merger would remove the interior lot lines between the two properties, and allow the property to be redeveloped as a single site. The allowed land use, density, and intensity on the merged property would remain the same. The proposed merged property would comply with all design standards and improvements required for new subdivisions by Title 19, the Zoning Code, General Plan, and Coastal Land Use Plan.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Planning Commission recommends approval to the City Council of Lot Merger Application No. LM2011-002, to merge 2808 and 2812 Ocean Boulevard, two properties under common ownership, and consisting of the following: portions of Lots 4, 5, and 6 of Block 34 Located in Corona del Mar, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten (10) days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS MARCH 22, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. Prior to recordation of the lot merger, a Restrictive Covenant, setting forth the alternative development standards for height and maximum floor area proposed by the applicant and described in Condition of Approval No. 3 and the "Established Grade" required by Condition of Approval No. 4 shall be recorded on the merged property with the County Recorder's Office. The Restrictive Covenant shall be in a form approved by the City Attorney and Community Development Director. The alternative development standards shall apply to all future development of the merged properties unless terminated by written agreement by the City of Newport Beach.
2. Development of the merged property shall comply with all development standards required by the Zoning Code for R-1 (Single-Unit Residential) located within Corona del Mar, with the exception of the requirements for height and the maximum floor area limit (FAL) as indicated in Condition of Approval No. 3.
3. Development of the merged property shall comply with the following alternative development standards for height and maximum floor area (FAL):
 - Floor Area Limit (FAL):
 - 1.0 (1 x 10,046 square feet = 10,046 square feet)
 - Subterranean basements shall not be included in maximum FAL (per Newport Beach Zoning Code)
 - Maximum height for flat roof:
 - 34 percent up to 15 feet 6 inches (floor of roof deck)*
 - 33 percent up to 15 feet (measured to top of roof)
 - 33 percent up to 14 feet (measured to top of roof)

*Roof deck railings may exceed the maximum height, but shall be no higher than the minimum height required by the latest California Building Code.
4. "Established Grade" for the purpose of measuring height for the principal structure shall be 70.2 NAVD.
5. The design of the development shall not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
6. All improvements shall be constructed as required by Ordinance and the Public Works Department.
7. The existing broken and/or otherwise damaged concrete sidewalk panels along the Ocean Boulevard frontage shall be reconstructed. Limits of the reconstruction shall be determined by the City Public Works Inspector.

8. All existing drainage facilities in the public right-of-way, including the existing curb drains along Ocean Boulevard, shall be retrofitted to comply with the City's on-site, non-storm runoff retention requirements.
9. All on-site drainage shall comply with the latest City Water Quality requirements.
10. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
11. New sod or low groundcovers, as approved by the City, shall be installed within the parkway fronting the development site along Ocean Boulevard.
12. An encroachment permit is required for all work activities within the public right-of-way.
13. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
14. The existing ingress and egress and utilities easements shall be maintained.
15. The existing sewer lateral to be used for the future dwelling unit shall have a sewer cleanout installed within the utilities easement per STD-406-L. All other laterals to be abandoned shall be capped at the property line.
16. All unused water services to be abandoned shall be capped at the corporation stop.
17. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
18. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.
19. Prior to recordation of the lot merger, the development of the parcels combined shall conform to current zoning regulations pertaining to the number of dwelling units and the distance between detached structures. The proposed parcel shall have one dwelling unit. One structure shall be modified or demolished to achieve the required separation between structures and density.
20. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
21. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.

-
22. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
 23. Prior to issuance of the building permit for any new construction on the property, the Planning Division shall verify recordation of the document with the County Recorder.
 24. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
 25. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **2808 and 2812 Ocean Boulevard Lot Merger** including, but not limited to, **Lot Merger No. LM2011-002 (PA2011-141)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. PC 3

City Council Minutes (January 24, 2012)

and displayed pictures of the event. He requested that the City place a plaque at San Miguel Park to memorialize the event. City Manager Kiff stated that the item can be referred to the Parks, Beaches, and Recreation Commission for appropriate action.

Peggy Fort, Newport Beach Restaurant Association, clarified that the association funds a portion of Restaurant Week through assessments and listed other sources of funds.

Jim Walker, Newport Beach Restaurant Association, reported that Restaurant Week has taken place for the past six years and has grown each year. He noted that the restaurant industry in Newport Beach ranks first or second in City tax revenues. He added that the increase in sales taxes obtained during Restaurant Week will offset the taxes or donations supplied by the City. He stated that all restaurants are invited to participate in the event, but not all choose to do so.

Bob Kuczewski, former Regional Director of the U.S. Hang-Gliding and Para-Gliding Association and President of the U.S. Hawks Hang-Gliding Association, spoke in support of Mr. Grundy and Mr. Colver's request.

XIV. ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

Council Member Henn reported that the Neighborhood Revitalization Committee met on January 12 and received an update about the Balboa Village Citizens' Advisory Panel (CAP). He further discussed the Corona del Mar Design Review CAP, including details of the proposed changes to the intersection at MacArthur Boulevard and Coast Highway. Additionally, he reported that the Balboa Village CAP met on January 17 and reviewed Code Enforcement policy and activity in the Balboa Village. He referenced a presentation by one of the panel members who recently visited Leavenworth, Washington, which has undergone a renaissance and conversion into a Bavarian Village atmosphere and it was felt to be a good example for changing the vision at Balboa Village. He reported that the next meeting of the Balboa Village CAP will be held on February 21 at 4:00 p.m. at the ExplorOcean Nautical Museum where there will be an item dealing with the governance of parking in the Village and economic development review for the area. Council Member Henn also reported that the Tidelands Committee met on January 18 where an update was presented on the Lower Bay dredging project. He indicated that the committee started discussing the 10-year Harbor Master Plan.

XV. PUBLIC HEARINGS

13. APPEAL - LOT MERGER NO. LM2011-002 - 2808 AND 2812 OCEAN BOULEVARD (PA2011-141). [100-2012]

Coralee Newman, Government Solutions, Inc. and representative for the applicant, addressed redesigns and requested that the appeal be continued and sent back to the Planning Commission so that design restrictions could be placed on the project and then considered by Council.

City Attorney Harp inquired whether the client would be willing to waive the time limit under Title 19, as well as the Subdivision Map Act. Ms. Newman confirmed.

City Manager Kiff noted that there will be an opportunity to make public comments at the Planning Commission level.

Community Development Director Brandt reported that staff is not prepared to announce which Planning Commission meeting date this item will be reconsidered, but the item would be noticed at the Planning Commission level as a public meeting.

Mayor Gardner opened the public hearing.

Robert Hawkins stated the issue is the merger of two lots and asked whether design conditions

can be placed on the subdivision map that will alleviate the view problem.

City Attorney Harp reported that if the applicant wants to voluntarily put deed restrictions on their property that would limit the size and mass, then that would be acceptable and will be what the Planning Commission would be considering.

Discussion ensued relative to the Planning Commission's broad consideration of the item.

Jim Mosher believed that the item needs clarification and suggested continuing the item for proper consideration of what is being requested.

Jeff DuFine wondered what deed restriction could be placed on a house that would change the lot size. He believed that this is not about the house but rather the lot merger.

Melinda Luthin, representing many of the residents of Block 34, noted that the item must not be detrimental to residents and must be consistent with the legislative intent of Title 19, the General Plan, and the Local Coastal Plan. She stated that the lots should be consistent with the surrounding areas and not create an excessively large lot.

Clifford Jones spoke in opposition to the lot merger and expressed concerns with the delays in the process.

Dan Purcell reported that both properties have started to deteriorate and wanted assurances that the property owner will continue to maintain the properties.

Hearing no further testimony, Mayor Gardner closed the public hearing.

Council Member Henn requested that the item be expedited as much as possible.

Motion by Council Member Henn, seconded by Mayor Pro Tem Curry to continue this item for the purpose of referring the matter to the Planning Commission and requesting that the Planning Commission provide a recommendation to the City Council on the approval or denial of the merger application based on the proposed design restrictions.

The motion carried by the following roll call vote:

Ayes: Council Member Hill, Council Member Rosansky, Mayor Pro Tem Curry, Mayor Gardner, Council Member Selich, Council Member Henn, Council Member Daigle

14. ~~NEWPORT BEACH COUNTRY CLUB (PA2005-140) - GOLF REALTY FUND - 1600 AND 1602 EAST COAST HIGHWAY - PROPOSAL FOR REDEVELOPMENT OF THE EXISTING PRIVATE GOLF COURSE CLUBHOUSE AND TENNIS CLUB (C-5068). [100-2012]~~

~~Community Development Director Brandt provided general comments for Public Hearing Items 14 and 15 related to the Newport Beach Country Club (NBCC). She addressed its location, boundaries, and specific areas to be considered, including the golf course and tennis club. She noted that the NBCC is located in a unique statistical area with very specific land use and vehicle trip allocations to its various sub-areas. Additionally, she stated that there are specific policies that allow transfers of development allocations between the sub-areas. She addressed General Plan considerations, displayed the General Plan Land Use Map, project site, the overlap between the two applications; and provided project summary comparisons, entitlements needed, and the actions required of Council. She discussed the need for approval of a Mitigated Negative Declaration (MND) for both applications, approval of a General Plan Amendment for the Newport Beach Country Club Inc. proposal, adoption of a Planned Development~~

Attachment No. PC 4

City Council Staff Report and Attachments




CITY OF
NEWPORT BEACH
City Council Staff Report

Agenda Item No. 13
January 24, 2012

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Community Development Department
Kimberly Brandt, AICP, Director
949-644-3226, kbrandt@newportbeachca.gov

PREPARED BY: Kay Sims, Assistant Planner

APPROVED: _____

TITLE: Appeal – Lot Merger No. LM2011-002
2808 and 2812 Ocean Boulevard
(PA2011-141)

ABSTRACT:

An appeal of the Planning Commission's decision to deny Lot Merger No. LM2011-002, reversing the Zoning Administrator's approval to allow the merger of portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar, more commonly known as 2808 and 2812 Ocean Boulevard, which are under common ownership for the purpose of development of a new single-family residence. The Zoning Administrator's approval would also have allowed a waiver of the requirement to file a parcel map. If the lot merger is approved, future development would be required to comply with the Single-Unit Residential (R-1) Zoning District development standards.

RECOMMENDATION:

Sustain or reverse the Planning Commission's decision by either:

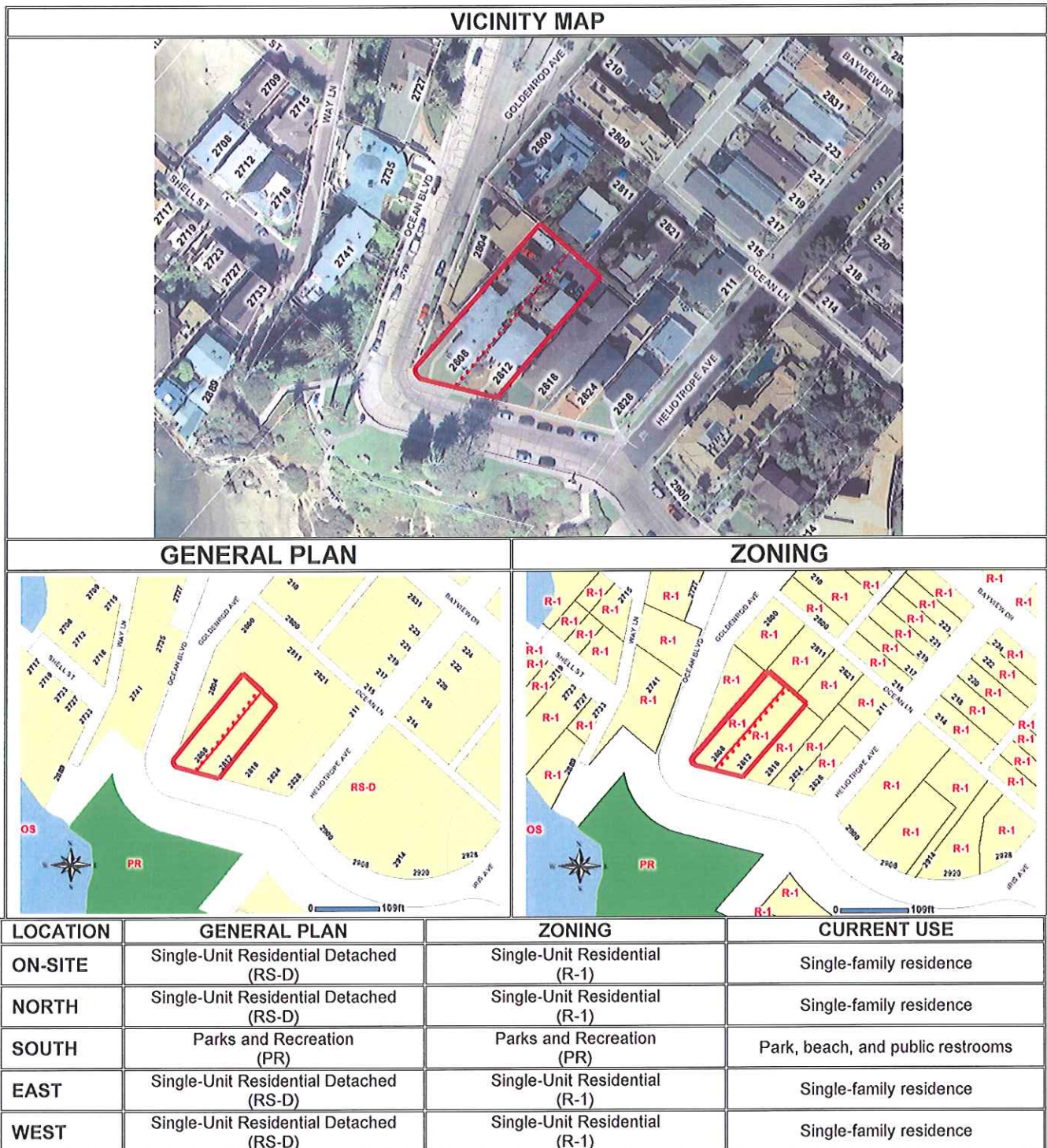
1. Adopting the draft resolution for denial (Attachment No. CC 1); or
2. Adopting the draft resolution approving Lot Merger No. LM2011-002 and waiver of the requirement to file a parcel map (Attachment No. CC 2).

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

SCANNED

FILE COPY



DISCUSSION:**Project Setting and Description**

The subject properties, located on the northeasterly (inland) side of Ocean Boulevard between Goldenrod and Heliotrope Avenues, consist of portions of Lots 4, 5, and 6 of Block 34, but are more easily identified as 2808 and 2812 Ocean Boulevard. The properties are generally rectangular in shape with skewed front property lines and slope slightly from the rear toward Ocean Boulevard. A 20-foot-wide shared, private ingress and egress easement at the rear of the properties allows vehicular access via Ocean Lane. Each property is currently developed with a single-family residence. Lookout Point and Little Corona Beach Park are located directly across Ocean Boulevard.

Block 34, Corona del Mar

The appellant, Mr. John Guida, proposes the lot merger for the purpose of developing one new single-family residence. Table 1 provides a comparison of the total lot area of each of the two existing properties, the property as merged, and neighboring properties within Block 34, and those on the inland side of Ocean Boulevard, east of Heliotrope Avenue.

TABLE 1: LOT AREA COMPARISON

PROPERTY	LOT AREA
Subject Properties:	
2808 Ocean Blvd.	7,194 sq ft
2812 Ocean Blvd.	6,499 sq ft
Proposed property (as merged)	13,693 sq ft
Typical Lot Size (Corona del Mar)	3,540 sq. ft. (30 ft. x 118 ft.)
Block 34 Properties	
Largest (subject property)	7,194 sq ft
Smallest (211 Heliotrope)	3,965 sq ft
Average area (of all lots)	5,683 sq ft
Neighboring Properties (Adjacent to Ocean Blvd.)	
2900 Ocean Blvd.	13,326 sq ft
2908 Ocean Blvd.	10,049 sq ft

Background*Zoning Administrator Hearing and Decision*

On September 14, 2011, the Zoning Administrator conducted a public hearing and reviewed the applicant's request. Fifteen members of the public spoke opposing the project, and a petition opposing the project signed by 29 members of the public was presented. Also presented were copies of a private deed restriction document, which limits the height of structures allowed on the subject and neighboring properties abutting Ocean Boulevard and documents relating to ingress and egress easements, which currently provide vehicular access for the subject properties via Ocean Lane. With the exception of the applicant, all public comments were in opposition to the lot merger. The comments expressed concerns related to possible negative impacts of the lot merger and included: loss of public and private views, property devaluation, and the effect on the health and welfare of the neighbors. The Zoning Administrator explained that the City does not enforce private deed restrictions, nor has policies or ordinances that protect private views. After considering the concerns presented, the Zoning Administrator determined that the lot merger would not negatively impact the neighboring area, and sufficient facts of finding were stated in the Zoning Administrator Approval Action Letter to support the required findings (Attachment No. CC 3). The Zoning Administrator, therefore, approved the lot merger.

Appeal of Zoning Administrator Decision

On September 23, 2011, Mr. Clifford Jones (2800 Ocean Boulevard), Ms. Joan Campbell (2811 Ocean Lane), and Mr. John Silva (2821 Ocean Lane) filed an appeal of the Zoning Administrator's decision (Attachment No. CC 4).

Planning Commission Hearing and Decision

On October 20, 2011, the Planning Commission heard the appeal. During public testimony, the appellants and seven members of the public spoke in opposition to the project. Their concerns included the following: plans submitted to the City for a new, single-family residence did not comply with the private deed restriction, which limits the height of development on the subject properties; the loss of interior side setbacks of the new development would eliminate the existing public and private views across the property and result in devaluation of neighboring properties; and the alternative access to the proposed lot via Ocean Boulevard was not feasible and would be unsafe. The appellant, Mr. John Guida, his legal counsel, architect, construction contractor, and one member of the public spoke in favor of the lot merger. A point was made that the proposed project was a lot merger of the two properties, not approval of specific plans for the property, and any future development of the two properties, separately or as merged, must comply with the City's required zoning and building code regulations. Mr. Guida stated that he does not yet have final plans for the site. The previously submitted plans have not been resubmitted by the applicant.

The Planning Commission determined that elimination of the interior lot line and its associated three foot interior side setbacks (total of six feet) would create one large lot that would accommodate more floor area with less required setback area than what the Zoning Code would allow on the two separate lots, if added together (see Table 2). They also determined that the merger would create an excessively large lot, which would not be consistent with the pattern of development within Block 34 (see Table 1). The Planning Commission then voted 6-1 (Kramer) to deny the lot merger application, reversing the decision of the Zoning Administrator. The Planning Commission minutes, resolution of denial, and staff report are provided as Attachment Nos. 5-7.

Table 2: Development Standards

	2808 Ocean Blvd. Property "A"	2812 Ocean Blvd. Property "B"	Total ("A" + "B")	Proposed Property (as merged)	Difference
Lot Area	7,194 sq ft	6,499 sq ft		13,693 sq ft	Same
Setbacks: Front Rear Sides	20 ft 10 ft 3 ft per side	20 ft 10 ft 3 ft per side	same same 3 ft per side	20 ft 10 ft 4 ft per side	same same +1 ft per side/ -6 ft interior setbacks
Total Sq Ft of Setback Areas:	2,432 sq ft	2,332 sq ft	4,764 sq ft	3,647 sq ft	-1,117 sq ft (23.4% decrease)
Total Buildable Area (lot area minus setbacks)	4,762 sq ft	4,167 sq ft	8,929 sq ft	10,046 sq ft	+1,117 sq ft (12.5% increase)
Floor Area Allowed (1.5 x buildable area)	7,143 sq ft	6,251 sq ft	13,394 sq ft	15,069 sq ft	+ 1, 675 sq ft (12.5% increase)
Height	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft

Appeal of the Planning Commission Decision

On October 27, 2011, Mr. John Guida filed an appeal of the Planning Commission's action (Attachment No. CC 8).

Pursuant to Section 20.64.030 of the Zoning Code, a public hearing on an appeal is conducted "de novo." The City Council is not bound by the Planning Commission's prior decision, and also is not limited to the issues raised on appeal. On review, the City Council may affirm, reverse, or modify the decision of the Planning Commission. The City Council may also adopt additional conditions of approval that may address issues or concerns other than those that were the basis of the appeal.

Alternatives:

1. If the City Council finds the facts do not support the findings required to grant approval of the application, the City Council should adopt the draft resolution (Attachment No. CC 1) upholding the decision of the Planning Commission and denying the proposed lot merger.
2. If the City Council finds there are findings of fact to support the findings required to grant approval of the application, the City Council should adopt the draft resolution (Attachment No. CC 2) reversing the decision of the Planning Commission and approving the proposed lot merger.

ENVIRONMENTAL REVIEW:

Should City Council uphold the decision of the Planning Commission and deny this project. Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

Should City Council reverse the decision of the Planning Commission and approve this project, staff recommends the City Council find this project exempt from CEQA, pursuant to Section 15305 (Class 5 - Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), because it has no potential to have a significant effect on the environment. Class 5 exempts projects which consist of minor alterations in land use limitations in areas with an average slope of less than twenty (20%) percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.

NOTICING:

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property (excluding roads and waterways) and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code.

Finally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the city website.

Submitted by:


Kimberly Brandt,
Community Development Director

Attachment Nos:

- CC 1 Draft Resolution – To Uphold and Deny
- CC 2 Draft Resolution – To Reverse and Approve
- CC 3 Zoning Administrator Approval Action Letter
- CC 4 Appeal of Zoning Administrator Approval
- CC 5 Planning Commission Minutes
- CC 6 Planning Commission Resolution
- CC 7 Planning Commission Staff Report
- CC 8 Appeal of Planning Commission Denial

City Council Attachment 1

Draft Resolution – To Uphold and Deny

RESOLUTION NO. #####

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWPORT BEACH UPHOLDING THE DECISION OF THE
PLANNING COMMISSION AND DENYING LOT MERGER NO.
LM2011-002 TO MERGE THE FOLLOWING PROPERTIES,
UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5,
AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR
(PA2011-141).**

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the John Guida Trust and the Julie Guida Trust, with respect to properties located at 2808 and 2812 Ocean Boulevard, and legally described as Portions of Lots 4, 5, and 6 of Block 34 of Corona del Mar requesting approval of a lot merger.
2. The applicants propose a lot merger for the following property under common ownership: portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map.
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held by the Zoning Administrator on September 14, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
6. Based on the facts of finding for approval and subject to the conditions of approval in the Zoning Administrator Action Letter, the Zoning Administrator approved the proposed lot merger application.
7. On September 23, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones (2800 Ocean Boulevard), Ms. Joan Campbell (2811 Ocean Lane), and Mr. John Silva (2821 Ocean Lane).
8. A public hearing was held by the Planning Commission on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning Commission considered evidence, both written and oral presented at this meeting. A notice of time, place and purpose of the meeting was given in accordance

with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

9. The Planning Commission determined findings for approval could not be made and reversed the decision for approval of the Zoning Administrator.
10. On October 27, 2011, Mr. John Guida filed an appeal of the Planning Commission's action.
11. A public hearing was held by the City Council on January 24, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The City Council considered evidence both written and oral presented at this meeting. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. FINDINGS

The City Council may approve a lot merger application only after making each of the required findings set forth in Section 19.68.030.H of Title 19 (Subdivision Code: Lot Mergers, Required Findings). In this case, the Planning Commission denied the lot merger application and reversed the approval of the Zoning Administrator based on the following findings:

FINDINGS

- A. The lot merger would allow development that is incompatible with the size and mass of structures on neighboring properties within Block 34. The removal of the interior lot line would eliminate the interior side setback (three feet) on each property, create a buildable area greater than currently exists on the two separate lots, and eliminate the open space that the interior side setbacks currently provide.
- B. The lot merger would create a lot size and configuration, which is inconsistent with the development pattern of the subject properties and surrounding lots within Block 34.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Newport Beach hereby denies Lot Merger No. LM2011-022 (PA2011-141), which includes a request to waive the requirement to file a parcel map, and upholds the decision of the Planning Commission.

2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.
3. This decision was based on the particulars of the individual case and does not in and of itself or in combination with other decisions in the vicinity or Citywide constitute a precedent for future decisions.
4. This resolution was approved, passed and adopted at a regular meeting of the City Council of the City of Newport Beach, held on the 24th day of January, 2012, by the following vote, to wit:

AYES, COUNCIL MEMBERS _____

NOES, COUNCIL MEMBERS _____

ABSENT COUNCIL MEMBERS _____

MAYOR

ATTEST:

CITY CLERK

City Council Attachment 2

Draft Resolution – To Reverse and Approve

RESOLUTION NO. ####

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH REVERSING THE DECISION OF THE PLANNING COMMISSION AND APPROVING LOT MERGER NO. LM2011-002 TO MERGE THE FOLLOWING PROPERTIES, UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5, AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR, MORE COMMONLY KNOWN AS 2808 AND 2812 OCEAN BOULEVARD (PA2011-141).

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the John Guida Trust and the Julie Guida Trust, with respect to properties located at 2808 and 2812 Ocean Boulevard, and legally described as Portions of Lots 4, 5, and 6 of Block 34 of Corona del Mar requesting approval of a lot merger.
2. The applicants propose a lot merger for the following property under common ownership: portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map.
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held by the Zoning Administrator on September 14, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
6. Based on the facts of finding for approval and subject to the conditions of approval in the Zoning Administrator Action Letter, the Zoning Administrator approved the proposed lot merger application.
7. On September 23, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones (2800 Ocean Boulevard), Ms. Joan Campbell (2811 Ocean Lane), and Mr. John Silva (2821 Ocean Lane).
8. A public hearing was held by the Planning Commission on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning Commission considered evidence, both written and oral presented at this

meeting. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

9. The Planning Commission determined that the required findings for approval could not be made and reversed the decision for approval of the Zoning Administrator.
10. On October 27, 2011, Mr. John Guida filed an appeal of the Planning Commission's action.
11. A public hearing was held by the City Council on January 24, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The City Council considered evidence both written and oral presented at this meeting. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 15305 (Class 5 Minor Alterations in Land Use limitations).
2. Class 5 consists of projects with minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes to land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.68.030.H of Title 19 (Subdivision Code: Lot Mergers, Required Findings) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding

- A. *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

Facts in Support of the Finding:

- A-1. The future development on the proposed parcel will comply with the Zoning Code development standards.
- A-2. The proposed merger will not cause future development to impact public views of the ocean as no public view presently exists.
- A-3. The project site described in the proposal consists of legal building sites.
- A-4. The lot merger to combine the existing legal lots by removing the interior lot lines between them will not result in the creation of additional parcels.
- A-5. The project is in an area with an average slope less than 20 percent and no changes in use or density will occur as a result of the merger.

Finding

- B. The lots to be merged are under common fee ownership at the time of the merger.*

Facts in Support of the Finding:

- B-1. The portions of lots 4, 5, and 6 to be merged are under common ownership.

Finding

- C. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- C-1. The previously existing single-unit dwellings located on the subject sites will be demolished, and the proposed lot would be redeveloped with a new single-unit dwelling. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. Each of the two existing lots meet the minimum lot area required, but do not meet the minimum lot width required (50 feet). The proposed merger of the lots would create one lot which would comply with the minimum lot width and lot area standards required by the Zoning Code.
- C-2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which is intended to provide primarily for single-family residential units on a single legal lot and does not include condominiums or cooperative housing. The Coastal Land Use Plan designates this site as Single-Unit Residential Detached (RSD-B) which provides for density ranges from 6.0-9.9 DU/AC. The existing

development and proposed development of a single-unit dwelling on the site are consistent with these designations.

Finding

- D. *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of the Finding:

- D-1. Vehicular access to and from the subject site and adjacent properties is available via an ingress and egress easement at the rear of the site. Should the ingress and egress easement be terminated, vehicular access is possible from Ocean Boulevard at the front of the existing or merged parcels.

Finding

- E. *The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of the Finding:

- E-1. Corona del Mar consists of lots of varying shapes and sizes. The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13,678 square feet. Other nearby lots on Ocean Boulevard have lot widths as wide as 73 feet and area as large as 13,325 square feet. The merger of the two lots it will not create an excessively large lot in comparison to many of the existing lots in the surrounding area.
- E-2. Development within the R-1 Zoning District can have a maximum floor area 1.5 times the buildable area of the lot. The proposed parcel will not be developed beyond this maximum square footage, and will be developed consistent with the surrounding development.

Finding

- F. *That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- F-1. The existing lots currently comply with the design standards and improvements required by the Zoning Code, General Plan, and Coastal Land Use Plan.

- F-2. The proposed lot merger combines the lot portions into a single parcel of land and does not result in the elimination of more than three lot portions.
- F-3. Approval of the proposed lot merger would remove the existing interior lot lines, and allow the property to be redeveloped as a single site. The land use, density, and intensity would remain the same. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, the Zoning Code, General Plan, and Coastal Land Use Plan.

SECTION 4. DECISION.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH DOES HEREBY RESOLVE TO:

1. Approve Lot Merger No. LM2011-002 and waiver of the requirement to file a parcel map for property, under common ownership, consisting of portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar, and reversing the decision of the Planning Commission, and subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.
3. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
4. This resolution was approved, passed and adopted at a regular meeting of the City Council of the City of Newport Beach, held on the 24th day of January, 2012, by the following vote, to wit:

AYES, COUNCIL MEMBERS _____

NOES, COUNCIL MEMBERS _____

ABSENT COUNCIL MEMBERS _____

MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The design of the development shall not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
2. All improvements shall be constructed as required by Ordinance and the Public Works Department.
3. The existing broken and/or otherwise damaged concrete sidewalk panels along the Ocean Boulevard frontage shall be reconstructed. Limits of the reconstruction shall be determined by the City Public Works Inspector.
4. All existing drainage facilities in the public right-of-way, including the existing curb drains along Ocean Boulevard, shall be retrofitted to comply with the City's on-site, non-storm runoff retention requirements.
5. All on-site drainage shall comply with the latest City Water Quality requirements.
6. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
7. New sod or low groundcovers, as approved by the City, shall be installed within the parkway fronting the development site along Ocean Boulevard.
8. An encroachment permit is required for all work activities within the public right-of-way.
9. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
10. The existing sewer lateral to be used for the future dwelling unit shall have a sewer cleanout installed within the utilities easement per STD-406-L. All other laterals to be abandoned shall be capped at the property line.
11. All unused water services to be abandoned shall be capped at the corporation stop.
12. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
13. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.

15. Prior to recordation of the lot merger, grant deeds indicating any changes in titles of ownership should be submitted to the Public Works Department for review and approval.
16. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
17. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
18. Prior to issuance of the building permit for any new construction on the property, the Planning Division shall verify recordation of the document with the County Recorder.
19. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
20. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **2808 and 2812 Ocean Boulevard Lot Merger** including, but not limited to, **Lot Merger No. LM2011-002 (PA2011-141)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

City Council Attachment 3

Zoning Administrator
Approval Action Letter



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

NOTICE OF ZONING ADMINISTRATOR ACTION

September 14, 2011

The John Guida Trust and The Julie Guida Trust
1335 S. Prairie Avenue #2001
Chicago, IL 60605

Application No. Lot Merger No. LM2011-002 (PA2011-141)
Site Address 2808 and 2812 Ocean Boulevard
2808 and 2812 Ocean Boulevard Lot Merger

On September 14, 2011, the above referenced application was approved based on the findings and conditions in the attached action letter.

By: 
Jaime Murillo, Zoning Administrator

JM/ks

APPEAL PERIOD: Lot merger applications do not become effective until 10 days following the date of action. Prior to the effective date the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

cc:

Todd Skenderian
1100 South Coast Highway Suite 316
Laguna Beach, CA 92651



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. Lot Merger No. LM2011-002 (PA2011-141)
Applicant The John Guida Trust and The Julie Guida Trust
Site Address 2808 and 2812 Ocean Boulevard
2808 and 2812 Ocean Boulevard Lot Merger
Legal Description Portions of Lots 4, 5, and 6, Blk 34 of Corona del Mar

On **September 14, 2011**, the Zoning Administrator approved the following: a lot merger for the following property, under common ownership: portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map. The property is located in the R-1 (Single-Unit Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

Findings

- A. **Finding:** *The proposed project is in conformance with the California Environmental Quality Act.*

Facts in Support of the Finding:

- A-1. The project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of projects with minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.
- B. **Finding:** *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

Facts in Support of the Finding:

- B-1. The future development on the proposed parcel will comply with the Zoning Code development standards.
- B-2. The proposed merger will not cause future development to impact public views of the ocean as no public view presently exists.
- B-3. The project site described in the proposal consists of legal building sites.
- B-4. The lot merger to combine the existing legal lots by removing the interior lot lines between them will not result in the creation of additional parcels.
- B-5. The project is in an area with an average slope less than 20 percent and no changes in use or density will occur as a result of the merger.
- C. **Finding:** *The lots to be merged are under common fee ownership at the time of the merger.*

Facts in Support of the Finding:

- C-1. The portions of lots 4,5, and 6 to be merged are under common ownership.
- D. **Finding:** *The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- D-1. The previously existing single-unit dwellings located on the subject sites will be demolished, and the proposed lot would be redeveloped with a new single-unit dwelling. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. Each of the two existing lots meet the minimum lot area required, but do not meet the minimum lot width required (50 feet). The proposed merger of the lots would create one lot which would comply with the minimum lot width and lot area standards required by the Zoning Code.
- D-2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which is intended to provide primarily for single-family residential units on a single legal lot and does not include condominiums or cooperative housing. The Coastal Land Use Plan designates this site as Single Unit Residential Detached (RSD-B) which provides for density ranges from 6.0-9.9 DU/AC. The existing development and proposed development of a single-unit dwelling on the site are consistent with these designations.

- E. **Finding:** *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of the Finding:

- E-1. Vehicular access to and from the subject site and adjacent properties would remain the same via an alley and an ingress and egress easement at the rear of the site.

- F. **Finding:** *The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of the Finding:

- F-1. Corona del Mar consists of lots of varying shapes and sizes. The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13,678 square feet. Other nearby lots on Ocean Boulevard have lot widths as wide as 73 feet and area as large as 13,325 square feet. The merger of the two lots it will not create an excessively large lot in comparison to many of the existing lots in the surrounding area.
- F-2. Development within the R-1 Zoning District can have a maximum floor area 1.5 times the buildable area of the lot. The proposed parcel will not be developed beyond this maximum square footage, and will be developed consistent with the surrounding development.

In accordance with Section 19.08.030 of the Municipal Code (Waiver of Concurrent Parcel Map), the Zoning administrator approved a waiver of the parcel map requirement since no more than three parcels are eliminated.

- G. **Finding:** *That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- G-1. The existing lots currently comply with the design standards and improvements required by the Zoning Code, General Plan, and Coastal Land Use Plan.
- G-2. The proposed lot merger combines the lot portions into a single parcel of land and does not result in the elimination of more than three lot portions.
- G-3. Approval of the proposed lot merger would remove the existing interior lot lines, and allow the property to be redeveloped as a single site. The land use, density, and

intensity would remain the same. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, the Zoning Code, General Plan, and Coastal Land Use Plan.

Conditions

1. The design of the development shall not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
2. All improvements shall be constructed as required by Ordinance and the Public Works Department.
3. The existing broken and/or otherwise damaged concrete sidewalk panels along the Ocean Boulevard frontage shall be reconstructed. Limits of the reconstruction shall be determined by the City Public Works Inspector.
4. All existing drainage facilities in the public right-of-way, including the existing curb drains along Ocean Boulevard, shall be retrofitted to comply with the City's on-site, non-storm runoff retention requirements.
5. All on-site drainage shall comply with the latest City Water Quality requirements.
6. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
7. New sod or low groundcovers, as approved by the City, shall be installed within the parkway fronting the development site along Ocean Boulevard.
8. An encroachment permit is required for all work activities within the public right-of-way.
9. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
10. The existing ingress and egress and utilities easements shall be maintained.
11. The existing sewer lateral to be used for the future dwelling unit shall have a sewer cleanout installed within the utilities easement per STD-406-L. All other laterals to be abandoned shall be capped at the property line.
12. All unused water services to be abandoned shall be capped at the corporation stop.

13. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
14. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.
15. Prior to recordation of the lot merger, the development of the parcels combined shall conform to current zoning regulations pertaining to the number of dwelling units and the distance between detached structures. The proposed parcel shall have one dwelling unit. One structure shall be modified or demolished to achieve the required separation between structures and density.
16. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
17. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
18. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
19. Prior to issuance of the building permit for any new construction on the property, the Planning Division shall verify recordation of the document with the County Recorder.
20. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **2808 and 2812 Ocean Boulevard Lot Merger** including, but not limited to, **Lot Merger No. LM2011-002 (PA2011-141)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the

City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

PUBLIC NOTICE

Notice of this application was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code.

APPEAL PERIOD: Lot Merger applications do not become effective until 10 days following the date of action. Prior to the effective date the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

By: 
Jaime Murillo, Zoning Administrator

JM/ks

Attachments: ZA 1 Vicinity Map
 ZA 2 Lot Merger Map

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Lot Merger No. LM2011-002
PA2011-141

2808 and 2812 Ocean Boulevard

Attachment No. ZA 2

Lot Merger Map

EXHIBIT 'A'
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11 - _____
 (Legal Description)

Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26 052-061-25	PARCEL 1 0.314 AC (gross) 0.296 AC (net)

SHEET 1 OF 1

PARCEL 1:

In the City of Newport Beach, County of Orange, State of California being all of Lots 4 through 6 in Block 34 of the Re-Subdivision of Corona Del Mar, as per map recorded in Book 4, Page 67, of Miscellaneous Maps in the Office of the County Recorder of said Orange County.

EXCEPTING THEREFROM the Northeasterly 96.00 feet thereof.

ALSO EXCEPTING THEREFROM the Southeasterly 10.00 feet of said Lot 4.

Containing 0.314 Acres (13,697 sq. ft.), more or less.

All as shown on Exhibit 'B' attached hereto and by this reference made a part hereof.

SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS OF WAY, AND OTHER MATTERS OF RECORD, IF ANY.

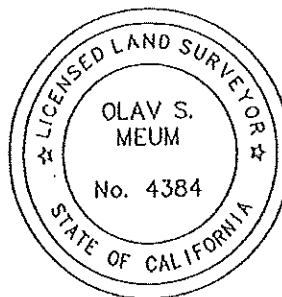


APPROVED BY:

- | | |
|--|---|
| <input type="checkbox"/> Planning Director | <input type="checkbox"/> Zoning Administrator |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> City Council |
| <input type="checkbox"/> As Submitted | <input type="checkbox"/> As Modified |

Refer to: ☐ Resolution ☐ Approval Letter

of Pgs Approved: _____ Date: / /



PREPARED BY ME OR UNDER MY
 DIRECTION ON: APRIL 08, 2011.

[Signature] 6-14-11
 OLAV S. MEUM LS 4384

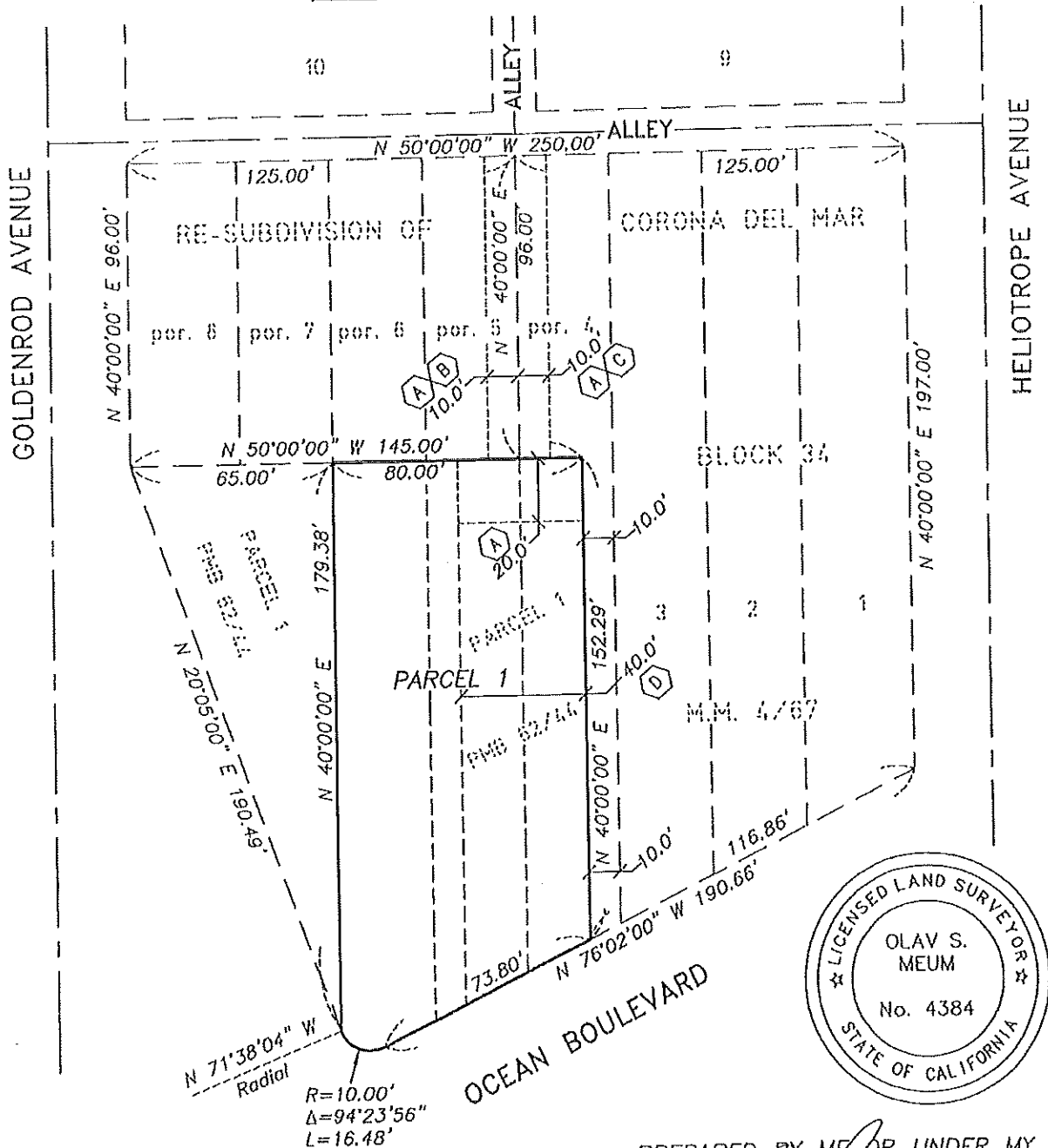
EXHIBIT B
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11
 (Map)

Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26	PARCEL 1
THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-25	0.314 AC (gross) 0.296 AC (net)

SCALE: 1"=50'

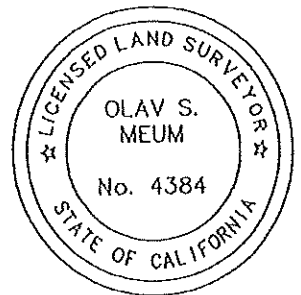
SEE PAGE 2 OF EXHIBIT 'B' FOR
 EASEMENT & SURVEYOR'S NOTE.

SHEET 1 OF 2



LEGEND:

- EXISTING LOT LINE TO REMAIN
- EXISTING LOT LINE TO BE REMOVED



PREPARED BY ME OR UNDER MY
 DIRECTION ON: APRIL 8, 2011




Olav S. Meum 6-14-11
OLAV S. MEUM **LS 4384**

EXHIBIT 'B'
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11 - _____
(Map)

Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26 052-061-25	PARCEL 1 0.314 AC (gross) 0.296 AC (net)

SHEET 2 OF 2

EASEMENT NOTE:

-  AN EASEMENT FOR INGRESS AND EGRESS, PIPE LINES, POLE LINES AND OTHER PUBLIC UTILITIES FOR THE BENEFIT OF AND TO BE USED IN COMMON BY THE OWNERS OF LAND IN LOTS 3, 4, 5 & 6 OF BLOCK 34 AS RECORDED ON MAY 11, 1951 IN BOOK 2187, PAGE 233 & BOOK 2187, PAGE 235, BOTH OF OFFICIAL RECORDS.
-  10' WIDE EASEMENT FOR SEWER PURPOSES RECORDED IN BOOK 2165, PAGE 614 OF OFFICIAL RECORDS, AS SHOWN ON PARCEL MAP RECORDED IN BOOK 65, PAGE 21 OF PARCEL MAPS.
-  10' WIDE EASEMENT FOR SEWER PURPOSES RECORDED IN BOOK 2165, PAGE 611 OF OFFICIAL RECORDS, AS SHOWN ON PARCEL MAP RECORDED IN BOOK 65, PAGE 21 OF PARCEL MAPS.

SURVEYOR'S NOTE:


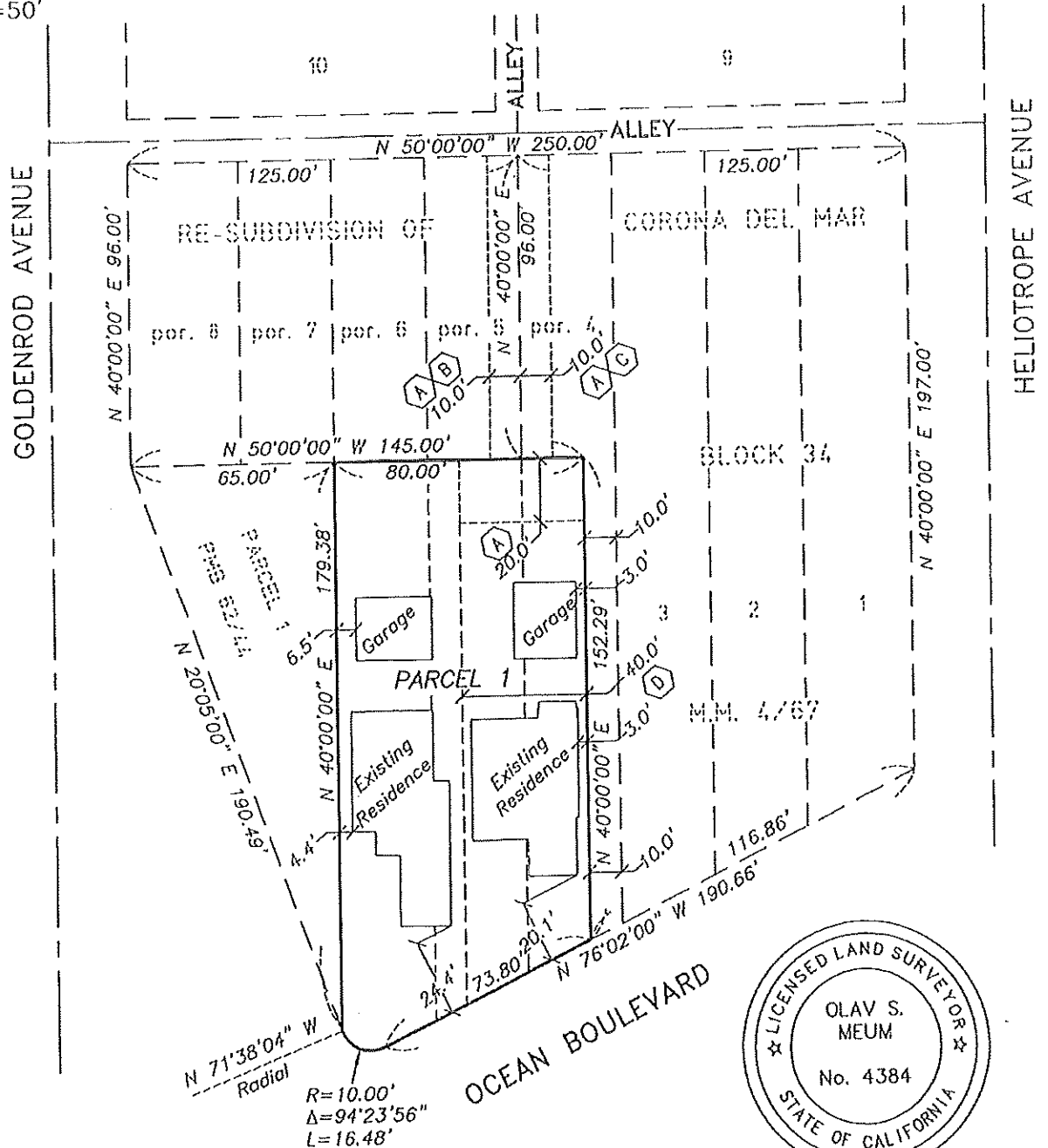
-  A PORTION OF THE LAND INCLUDED WITHIN THIS LOT MERGER AS DESCRIBED IN PARCEL 2 OF THE LATEST GRANT DEED RECORDED ON DECEMBER 20, 2010 AS INSTRUMENT No. 2010000708142 O.R. AGREES WITH THE LAND SHOWN AS PARCEL 1 OF A PARCEL MAP RECORDED ON DECEMBER 5, 1974 IN BOOK 65, PAGE 21 OF PARCEL MAPS.

EXHIBIT C
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11
 (Site Map)

Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26 052-061-25	PARCEL 1 0.314 AC (gross) 0.296 AC (net)

SHEET 1 OF 1

SCALE: 1"=50'



LEGEND:

- EXISTING LOT LINE TO REMAIN
- - - - - EXISTING LOT LINE TO BE REMOVED

PREPARED BY ME OR UNDER MY
 DIRECTION ON: APRIL 8, 2011

[Signature] 6-14-11
OLAV S. MEUM LS 4384

City Council Attachment 4

Appeal of Zoning Administrator Approval



Appeal Application

Community Development Department
Planning Division
3300 Newport Boulevard, Newport Beach, CA 92663
(949) 644-3204 Telephone | (949) 644-3229 Facsimile
www.newportbeachca.gov

PA 2011-141

For Office Use Only	
Date Appeal Filed:	9.23.11
Fee Received:	\$4333.00
Received by:	KS

Application to appeal the decision of the: ☒ Zoning Administrator
☐ Planning Director
☐ Hearing Officer

Appellant Information:

Name(s): CLIFFORD JONES, JOAN CAMPBELL, JOHN SILVA
Address: 2800 OCEAN BLVD, 2811, 2821 OCEAN LANE
City/State/Zip: CORONA DEL MAR, CA 92625
Phone: 949 283-9054 Fax: 949-673-5979 Email: LYNDILU@ATT.NET

Appealing Application Regarding:

Name of Applicant: JOHN GUIDA TRUST
Date of Decision: SEPT 14, 2011
Project No. (PA): PA 2011-141 Activity No.: LM 2011-002
Site Address: 2808 & 2812 OCEAN BLVD.
Description: PORTIONS OF LOTS 4, 5 AND 6 BLK 34
OF CORONA DEL MAR,

Reason(s) for Appeal (attach a separate sheet if necessary): PLEASE SEE
ATTACHED

Along with application, please submit the following:

- Twelve (12) 11x17 sets of the project plans
- One set of mailing labels (Avery 5960) for property owners within 300 ft. radius of subject property

Signature of Appellant: Joan F. Campbell Date: 9/22/11

FILE COPY

SCANNED

We do not feel the findings referred to “B-findings, E-findings” have been adequately addressed. The findings were as follows:

Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger. (Easement)

By the City allowing the inter lot lines to be removed by the lot merger, the City has (according to the formula for the deed restriction on each lot) given him the opportunity to break the current restrictions and go to an increase of height addition by 7,5 feet plus considerable increase in the bulk of his structure.

In addition to the above we feel that the total economic impact on surrounding properties, the loss of enjoyment of the view (deed restriction) and the potential undermining of the stability of the adjacent properties had not been adequately addressed and can only be accessed by experts in those areas.

September 14, 2011

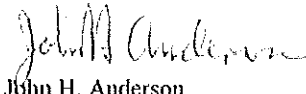
To whom it may concern,

The subject vicinity along Ocean Boulevard is sorely in need of renewal and improvement. In that regard, I have no objection to the subject proposed lot assembly along Ocean Boulevard as such. However I do have concerns as regards the related subsequent residential development.

It would appear that, as proposed, this development may result in an excessive structural height and bulk not intended in the terms of the original legal deed restrictions governing the development of these parcels. If approved as proposed, the development would likely adversely affect the adjacent properties governed by the deed restrictions and other neighboring properties as well.

Thus the developer should be encouraged proceed to renew these lots but with a modestly redesigned project more in keeping with the intent of the deed restrictions, especially as regards overall height considerations.

Sincerely

A handwritten signature in cursive script, appearing to read "John H. Anderson".

John H. Anderson
214 Goldenrod Avenue
949-723-1556

City Council
Attachment 5
Planning Commission Minutes

ABSENT (RECUSED): Myers and Unsworth
ABSTAIN: None.

Chair Unsworth and Commissioner Myers returned to the Chambers and took their places on the dais.

ITEM NO. 4 Appeal of Lot Merger (PA2011-141)
 2808 and 2812 Ocean Boulevard

Kay Sims, Assistant Planner, reported the item is an appeal to approve a lot merger for 2808 and 2812 Ocean Boulevard and provided a brief PowerPoint presentation. Assistant Planner Sims addressed location of the properties, current lot configuration, private egress/ingress easements and locations of the existing structures on the properties. In addition, Ms. Sims provided background including previous consideration of the item by the Zoning Administrator on September 14, 2011, through a public hearing wherein concerns were voiced by the public that approval of a lot merger would allow: 1.) a higher structure on the property which would eliminate views across Ocean Boulevard to the neighboring properties to the rear. The views are protected by means of a private deed restricting the height of structures on a lot and loss of the views would result in devaluation of those neighboring properties. 2.) access to the properties if the egress/ingress was eliminated. After consideration of public comments and concerns, the Zoning Administrator addressed them by stating the City does not regulate or enforce private deed restrictions or the Covenant, Conditions, and Restrictions (CC&Rs) and has no private view protection ordinance. If private egress/ingress easement was eliminated, there is alternative access available from Ocean Boulevard. In addition, the size of the proposed lots is similar to other lots in the area; therefore, compatible. New development on the two (2) lots, whether individual or merged, is required to comply with the City's Zoning Code development standards for the Single Family Residential Zoning District.

Assistant Planner Sims reported that the Zoning Administrator approved the lot merger after finding there were facts to support all the findings. It was noted that an appeal was filed on September 22, 2011. The appellants do not believe that findings related to the health, safety, and welfare of the neighboring properties and residents, and legal access to the property were adequately addressed by the Zoning Administrator in making his decision. The appellants stated that approval of the lot merger would allow the applicant to break the private deed restriction limiting height and allow an increase in the size of the structure allowed on the property. Also, a resulting loss of view by higher structures would result in a devaluation of those properties. Assistant Planner Sims noted the Planning Commission's possible actions and presented an update to the findings relative to availability of alternative vehicular access to and from the property.

Commissioners Hawkins, Toerge, Myers, and Chair Unsworth reported meeting with the appellants and visiting the site.

Commissioner Ameri reported visiting the site.

Commissioner Hillgren requested clarification of which lots were granted height restrictions and inquired regarding future developments planned for the property. Staff responded that at this time, the application is a request for a lot merger, should a development be proposed it would be required to comply with the Zoning Code, and it was noted that the City does not enforce private view restrictions.

In response to an inquiry from the Commission, City Traffic Engineer Brine reported safe access could be achieved from Ocean Boulevard and referenced other precedents. He indicated the preference would be to try and maintain on-street parking and have access remain through the rear easement. Access from Ocean Boulevard would be a last resort option.

In response to an inquiry from the Commission, Assistant City Attorney Mulvihill explained that it is an application to merge two (2) parcels under the Subdivision Map Act and the City is looking at its Codes and Regulations to determine whether the application satisfies the City Standards. She noted it does so without an independent investigation as to whether a private agreement may or may not affect the property. Currently the

property has access from the rear as a result of a private easement. Should something happen to the private access, the City recognizes there is an alternative access off of Ocean Boulevard.

Chair Unsworth opened the public hearing.

Chair Unsworth asked the appellant to come forward if he wished to make a presentation.

Clifford Jones, appellant, made his presentation and addressed that the easements were given for ingress and egress, but noted the easements can be withdrawn at any time. He stressed that the lot line merger would take away eight (8) feet of view corridor that would normally be there, addressed deed restrictions, proposed uses, and compliance with standards. He reported the property owner has plans for development that would eliminate views for adjacent properties. He spoke in opposition to the lot merger.

In response to an inquiry from Commissioner Ameri, Mr. Jones reported the easement agreement with the City is for utilities. He also mentioned the egress/ingress for the two (2) subject lots facing Ocean Boulevard.

Peter Campbell, Corona del Mar resident, spoke in opposition to the lot merger with concerns regarding negative impacts to the health and safety of the current residents.

Joan Campbell, Corona del Mar resident, indicated she is almost 85 years old and all she has left is to keep her view.

Valerie Marcotte, resident, spoke in support of Joan and Robin Campbell, who live in the house most-impacted by the proposed merger. They are both 85 years old, they have lived in their house for 34 years, and depend daily on their view. She expressed concerns with the noise from the construction that they will have to live with for the next two (2) years and the resulting loss of their view. Ms. Marcotte stressed that this would be very disruptive to the Campbells, would create anxiety, as well as depreciate their home's value.

John Silva, Corona del Mar resident, noted it is causing increased stress for him and stated opposition to the lot merger. In response to an inquiry from the Commission, Mr. Silva reported the easement can accommodate ambulances and is used for utility access for the properties in the front.

Alberta Silva, Corona del Mar resident, reported living in the area for 44 years and listed her activities in helping the community. She spoke in opposition of the lot merger noting the issue has caused a lot of stress.

Danny Daneshmand, Corona del Mar resident, reported her daughter is the property owner and is representing her at this meeting. He expressed concern for the decreased property values if the current view is eliminated and spoke in opposition of the lot merger. He took issue with the City not honoring the established CC&Rs and opined this could result in a lawsuit.

Dan Purcell, Corona del Mar resident, provided a brief history of the lots and opined the financial impact on the property owners would be very injurious and felt access on Ocean Boulevard would be unsightly.

Jeffrey DuFine thanked the Commission for considering the issue and noted his main concerns regarding the easements and not honoring the established CC&Rs. He reported the easements were given in order to maintain the site lines and views. He reported the attorney for the subject property owner intimated to the Campbells and that if this went to court, they would be buried in legal fees.

Phillip Larson spoke representing his father who is recovering from an operation. He opined this will be a beginning step to something that will turn into a problem and spoke in opposition of the merger.

John Whelan, Attorney representing the owners of the subject properties, John and Julie Guida, noted approval by the Zoning Administrator and that the deed restrictions indicate permitted structures would be one-story in height. He addressed elimination of the easement for access and stated the deed restriction does not prohibit a

lot merger. He stressed the lot merger that has been applied for is consistent with the City's zoning ordinances and ought to be approved.

Commissioner Hawkins noted the Commission must make certain findings to approve the lot merger.

Chair Unsworth asked Mr. Whelan if he agreed that the finding "approval of the merger would not, under the circumstances of this particular case, be detrimental to the health, peace, comfort, general welfare of persons residing or working in the neighborhood" could not be made. He addressed some of the impacts that will occur.

Mr. Whelan addressed the appellants' concerns by noting that the concerns are to be attributed to the construction of the home and not the lot merger. In response to an inquiry by Chair Unsworth, Mr. Whelan stated that there would be a home built on the merged lots.

In response to Commissioner Hillgren's inquiry, Mr. Whelan acknowledged a deed restriction stating it concerns the five (5) lots and felt the intent of the deed restriction was to restrict the height of the structures based on the lots as they were configured at the time.

Mark Todd, Realtor and President Elect for the Newport Beach Realtor's Association, spoke in support of the lot merger. He reported reading the deed restriction and indicated it does not address the merger of the lots, but rather height restrictions and easements. He stated Mr. Guida intends to build a one-story structure, to be a good neighbor and not to block the view. He reported many senior citizens prefer one-story homes and spoke in support of the lot merger.

John Guida, applicant, explained why he attended with representation. He stressed the intent is to build a single-story structure, addressed the architectural plans, and stated he is trying to build to code. He offered to meet with the Commission at the site, and stated he understands the restrictions but is trying to do his best to resolve the issues.

Andrew Patterson of Patterson Construction noted that he encouraged a meeting with the neighbors and explained the attorney was expressing that he did not want to go into litigation when he made his comments to the Campbells. He stated the applicant is trying to work with the neighbors and spoke in support of the lot merger.

Christopher Courts of Sinclair Associates Architects, Inc. addressed the proposed square footage of the house, the highest point in the house, and the maximum height of the elevator shaft.

Mr. Jones re-addressed the Commission noting the front of the lot will be raised five and a half (5½) feet from the sidewalk area because, if it is raised six (6) feet, the basement will be considered a first story. He addressed the height of existing homes and noted that, with the proposed structure, the views from the back homes would be eliminated, which produce a negative impact. In addition, Mr. Jones presented some photos. Commissioner Kramer questioned the accuracy of the hand drawn lines representing the potential blocking of views.

Christopher Courts reported they are trying to construct something that is complimentary to the neighborhood and that the drawings do not depict what will be built.

Mr. Jones reported inviting the architect to look at what the impacts would be and asked them to stake out what they wanted to do, but that they refused.

Chair Unsworth closed the public hearing.

Commissioner Toerge commented on lot mergers noting they are not without a cost or negative impact to neighbors. He expressed concerns with giving away side yard setbacks in mergers. He felt the impacts with this item are significant and the loss of the side yard setbacks is clearly detrimental and that the lot merger would result in a lot inconsistent with the surrounding development pattern.

Motion made by Commissioner Toerge and seconded by Commissioner Ameri, and carried (6 – 1) to reverse the decision of the Zoning Administrator and adopt a Resolution to reverse the Lot Merger No. LM2011-002.

Commissioner Hillgren expressed support for the motion and felt that merging the lots is inconsistent with the intent of the pattern of development.

The motion carried as follows:

AYES: Ameri, Hawkins, Hillgren, Myers, Toerge, and Unsworth
NOES: Kramer
ABSENT(RECUSED): None.
ABSTAIN: None.

It was noted the appeal period for this item is ten (10) days.

ITEM NO. 5 Lido Village Design Guidelines (PA2011-148)
Guidelines would affect future projects within the Lido Village area generally bounded by Newport Boulevard, 32nd Street and Newport Harbor

Principal Planner James Campbell provided an introduction to the draft of the Lido Village Design Guidelines. He stated that the City Council Ad-Hoc Neighborhood Revitalization Committee, with full City Council support, initiated and fostered the preparation of architectural and landscape design guidelines that would be applied to properties within the Lido Village area. He reported hiring a project manager and architects and noted that staff has gone through an extensive public participation process.

Project Manager Tim Collins provided a PowerPoint presentation addressing history and background, reassertion of the purpose of the design guidelines and community outreach, and involvement.

In response to Commissioner Hawkins's inquiry Mr. Collins explained the use of public rights-of-ways as a unifying theme.

Todd Larner reviewed details of the format, content of the guidelines, key elements, next steps, and consideration of on-going feedback.

Commissioner Toerge commended consultants for the promptness in developing the design guidelines. He inquired regarding efforts for the waterfront in terms of staging of passengers of cruise ships or charter boats noting the issue severely impacts pedestrians and people visiting Lido Village. He took exception to a sentence in the design guidelines stating that the Lido Village was an emotional gateway to Newport Beach.

Discussion followed regarding the timeframe for the potential rebuild of the marina and planning for the staging of passengers of cruise ships or charter boats and accommodating all users in the evolution of the plans. It was noted this is a multilayer process and that the design guidelines are just one component.

In response to a comment by Chair Unsworth, it was noted the guidelines will be incorporated to the City's existing review process.

Commissioner Toerge referenced a typographical error on the agenda report.

Chair Unsworth opened the public hearing.

George Schroeder reported he was one of the six (6) residents appointed to serve on the Citizens Advisory Panel, attended all of the meetings, and noted they were well-attended. Mr. Schroeder spoke in support of the guidelines and the plan.

City Council
Attachment 6
Planning commission Resolution

RESOLUTION NO. 1857

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH REVERSING THE DECISION OF THE ZONING ADMINISTRATOR AND DENYING LOT MERGER NO. LM2011-002 FOR A LOT MERGER FOR THE FOLLOWING PROPERTY, UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5, AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR. ALSO INCLUDED IN THE APPLICATION IS A REQUEST TO WAIVE THE REQUIREMENT TO FILE A PARCEL MAP, FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BOULEVARD (PA2011-141)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by The John Guida Trust and the Julie Guida Trust, with respect to properties located at 2808 and 2812 Ocean Boulevard, and legally described as Portions of Lots 4, 5, and 6 of Block 34 of Corona del Mar requesting approval of a lot merger.
2. The applicant proposes [project description a lot merger for the following property, under common ownership, portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held on September 14, 2011 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
6. On September 22, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones, Ms. Joan Campbell, and Mr. John Silva. The appeal was filed to further consider two findings, which the applicants felt were not adequately addressed in the Zoning Administrator's decision.
7. The Planning Commission held a public hearing on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning

Commission considered evidence, both written and oral presented at this meeting. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

8. Pursuant to Section 20.64.030.C, the public hearing was conducted "de novo," meaning that it is a new hearing and the decision being appealed has no force or effect as of the date the call for review was filed.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

The Planning Commission may approve a lot merger application only after making each of the required findings set forth in Section 19.68.030.H of Title 19 (Subdivision Code: Lot Mergers, Required Findings). In this case, the Planning Commission was unable to make the following required findings.

FINDINGS

- A. *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*
- A-1. The lot merger would allow development that is incompatible with the size and mass of structures on neighboring properties within Block 34. The removal of the interior lot line would eliminate the interior side setback (three feet) on each property, create a buildable area greater than currently exists on the two separate lots, and eliminate the open space that the interior side setbacks currently provide.
- B. *The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*
- B-1. The lot merger would create a lot size and configuration, which is inconsistent with the development pattern of the subject properties and surrounding lots within Block 34.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby denies Lot Merger No. 2011-022 (PA2011-141), reversing the decision of the Zoning Administrator.
2. This action shall become final and effective ten (10) days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

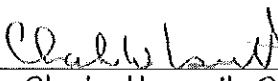
PASSED, APPROVED AND ADOPTED THIS 20th DAY OF OCTOBER, 2011.


AYES: Ameri, Hawkins, Hillgren, Myers, Toerge, and Unsworth

NOES: Kramer

ABSTAIN: None.

ABSENT: None.

BY: 
Charles Unsworth, Chairman

BY: 
Bradley Hillgren, Secretary

City Council
Attachment 7
Planning Commission Staff Report

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**
October 20, Planning Commission Hearing
Agenda Item 4

SCANNED
FILE COPY

SUBJECT: Appeal of Lot Merger (PA2011-141)
2808 and 2812 Ocean Boulevard

▪ Lot Merger No. LM2011-002

APPLICANT: The John Guida Trust and The Julie Guida Trust

PLANNER: Kay Sims, Assistant Planner
(949) 644-3237 or ksims@newportbeachca.gov

PROJECT SUMMARY

An appeal of the Zoning Administrator's decision to approve Lot Merger No. LM2011-002, which allowed the merger of portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar, under common ownership, for the purpose of development of a new single family residence. The decision also included approval of a request to waive the requirement to file a parcel map.

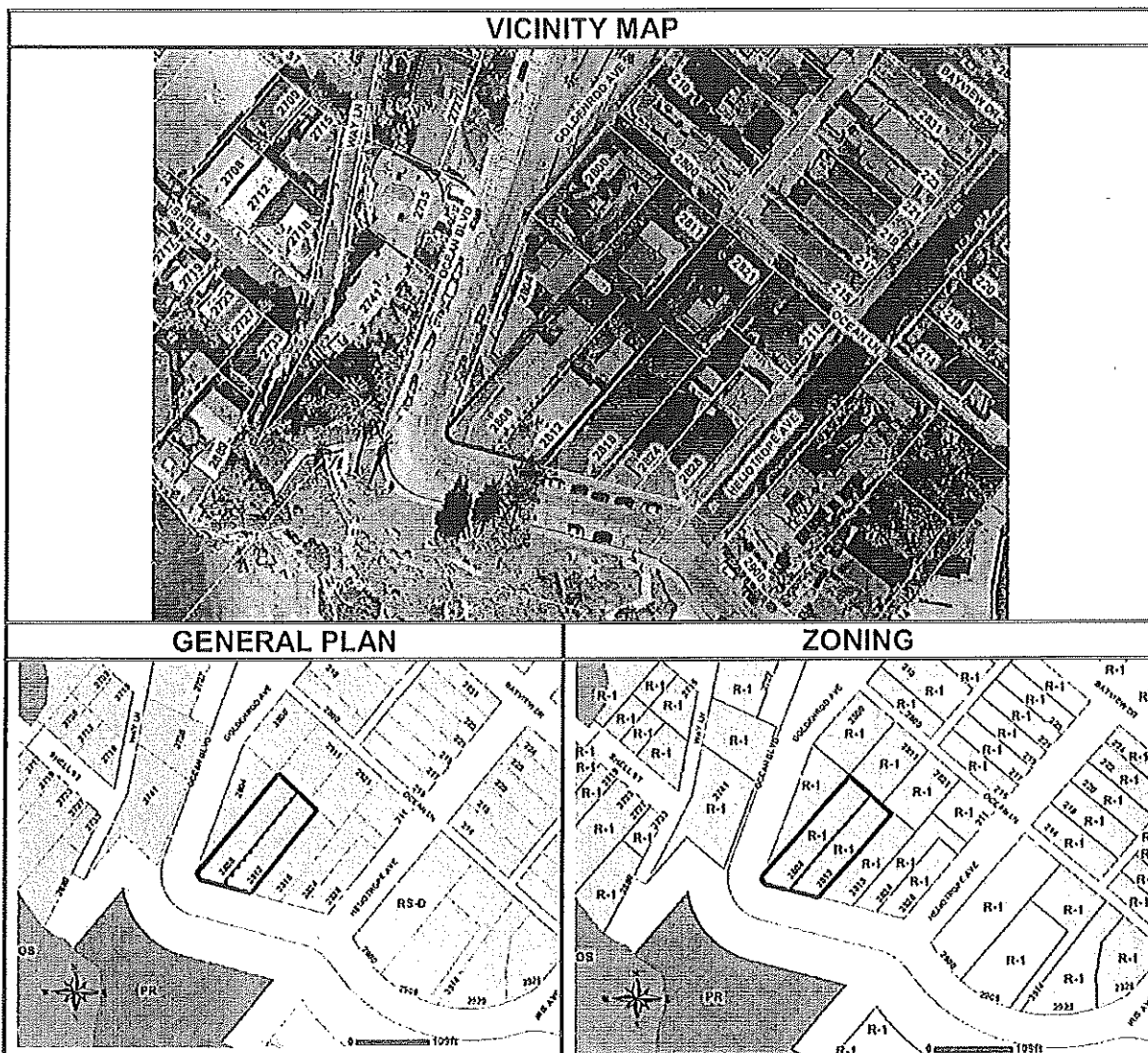
RECOMMENDATION

- 1) Conduct a de novo public hearing; and
- 2) Uphold or reverse the decision of the Zoning Administrator and adopt Resolution No. ____ (Attachment No. PC 1 or PC 2) for Lot Merger No. LM2011-002.

INTRODUCTION

Project Setting

The subject lots consist of portions of Lots 4, 5, and 6 of Block 34, but are more easily identified as 2808 and 2812 Ocean Boulevard. The properties, located on the northeasterly (inland) side of Ocean Boulevard between Goldenrod and Heliotrope Avenues, are generally rectangular in shape with skewed front property lines and slope slightly from the rear toward Ocean Boulevard. Vehicular access is provided via a 20-foot-wide, shared, private ingress and egress easement, which extends from the rear of the properties to Ocean Lane. Each property is currently developed with a single-unit residential dwelling. Lookout Point and Little Corona Beach Park are located directly across Ocean Boulevard.



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwelling
NORTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwellings
SOUTH	Parks and Recreation (PR)	Parks and Recreation (PR)	Park, beach, and public restrooms
EAST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwellings
WEST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwellings

Zoning Administrator Hearing and Action

Prior to the Zoning Administrator hearing on September 14, 2011, staff spoke over the telephone and met with members of the public to describe the project and answer questions. Four (4) comment letters (Attachment No. PC 4) were received that expressed concerns about the project. Staff also received a copy of a private deed restriction regarding the height of structures allowed on the subject properties and neighboring properties adjacent to the rear.

On September 14, 2011, the Zoning Administrator conducted a public hearing, reviewed the applicant's request, and received testimony from the applicant and 15 members of the public. All speakers opposed the lot merger. Additionally, a petition in opposition (Attachment No. PC 4) signed by 29 members of the public was presented. Stated reasons for opposition, including in comment letters received, were: elimination or blocking of private views, devaluation of surrounding properties, vehicular access, and not abiding by the deed restriction, which limits the height of any structures.

Prior to making his decision, the Zoning Administrator explained that the City does not enforce deed restrictions nor have policies or ordinances that protect private views. The Zoning Administrator also explained that the properties have vehicular access via Ocean Boulevard in addition to the private, shared easement. He further explained that the size of the lot proposed was similar to others in the area (see Table 1: Project Characteristics below) and was compatible with the character of the area. After considering public comments and concerns presented, the Zoning Administrator determined that there were facts in support of the required findings and approved the project (Attachment No. PC 3).

Table 1: Project Characteristics

Property	Total Area (approximately)	Width (at widest point)
R-1 Zoning District Interior Lot Standards:	5,000 sq. ft.	50 feet
2808 Ocean Boulevard	7,217 sq. ft.	40 feet
2812 Ocean Boulevard	6,483 sq. ft.	40 feet
Proposed Merged Lot	13,699.58 sq. ft.	80 feet
Comparable Properties Adjacent to Ocean Boulevard		
2900 Ocean Boulevard	13,326 sq. ft.	66 feet
2908 Ocean Boulevard	10,049 sq. ft.	78 feet
3222 Ocean Boulevard	14,579 sq. ft.	111 feet

stated that the appellants feel that the following required findings were not adequately addressed:

1. *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

The Zoning Administrator determined that facts presented in the action letter supported making the health, safety, and welfare finding. The City does not regulate and enforce private deed restrictions and does not have the authority to protect private views and new development on the two (2) lots individually or merged, must comply with the all Zoning Code Development Standards for the R-1 Zoning District.

2. *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger. (Easement)*

Legal access is currently provided via a private, shared easement to both lots and will remain if the lots are merged.

Alternatives

1. Should the Planning Commission find that there are facts to support the findings required to grant approval of the Lot Merger as proposed, the Planning Commission should adopt Resolution No. __ (Attachment No. PC 1), upholding the decision of the Zoning Administrator and approving Lot Merger No. LM2011-002.
2. Should the Planning Commission find that the facts do not support the findings required to grant approval of the Lot Merger, the Planning Commission should adopt Resolution No. __ (Attachment No. PC 2), reversing the decision of the Zoning Administrator, and denying Lot Merger No. LM2011-002.

Environmental Review

If upheld and approved, then this project is exempt from CEQA, pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of projects with minor alterations in land use limitations in areas with an average slope of less than twenty (20%) percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.

Attachment No. PC 1

Draft Resolution with Findings and
Conditions – To Uphold

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH UPHOLDING THE DECISION OF THE ZONING ADMINISTRATOR AND APPROVING LOT MERGER NO. LM2011-002 FOR A LOT MERGER FOR THE FOLLOWING PROPERTY, UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5, AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR. ALSO INCLUDED IN THE APPLICATION IS A REQUEST TO WAIVE THE REQUIREMENT TO FILE A PARCEL MAP, FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BOULEVARD (PA2011-141)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by The John Guida Trust and the Julie Guida Trust, with respect to properties located at 2808 and 2812 Ocean Boulevard, and legally described as Portions of Lots 4, 5, and 6 of Block 34 of Corona del Mar requesting approval of a lot merger. Also included in the application is a request to waive the requirement to file a parcel map.
2. The applicant proposes a lot merger for the following property, under common ownership, portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held on September 14, 2011 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
6. On September 22, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones, Ms. Joan Campbell, and Mr. John Silva. The appeal was filed to further consider two findings, which the applicants felt were not adequately addressed in the Zoning Administrator's decision.
7. The Planning Commission held a public hearing on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning

A-5. The project is in an area with an average slope less than 20 percent and no changes in use or density will occur as a result of the merger.

B. *The lots to be merged are under common fee ownership at the time of the merger.*

Facts in Support of the Finding:

B-1. The portions of lots 4,5, and 6 to be merged are under common ownership.

C. *The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

D-1. The previously existing single-unit dwellings located on the subject sites will be demolished, and the proposed lot would be redeveloped with a new single-unit dwelling. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. Each of the two existing lots meet the minimum lot area required, but do not meet the minimum lot width required (50 feet). The proposed merger of the lots would create one lot which would comply with the minimum lot width and lot area standards required by the Zoning Code.

D-2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which is intended to provide primarily for single-family residential units on a single legal lot and does not include condominiums or cooperative housing. The Coastal Land Use Plan designates this site as Single Unit Residential Detached (RSD-B) which provides for density ranges from 6.0-9.9 DU/AC. The existing development and proposed development of a single-unit dwelling on the site are consistent with these designations.

D. *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of the Finding:

E-1. Vehicular access to and from the subject site and adjacent properties would remain the same via an alley and an ingress and egress easement at the rear of the site.

E. *The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of the Finding:

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Charles Unsworth, Chairman

BY: _____
Bradley Hillgren, Secretary

15. Prior to recordation of the lot merger, the development of the parcels combined shall conform to current zoning regulations pertaining to the number of dwelling units and the distance between detached structures. The proposed parcel shall have one dwelling unit. One structure shall be modified or demolished to achieve the required separation between structures and density.
16. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
17. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
18. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
19. Prior to issuance of the building permit for any new construction on the property, the Planning Division shall verify recordation of the document with the County Recorder.
20. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the 2808 and 2812 Ocean Boulevard Lot Merger including, but not limited to, Lot Merger No. LM2011-002 (PA2011-141). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. PC 2

Draft Resolution – To Reverse

RESOLUTION NO. #####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH REVERSING THE DECISION OF THE ZONING ADMINISTRATOR AND DENYING LOT MERGER NO. LM2011-002 FOR A LOT MERGER FOR THE FOLLOWING PROPERTY, UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5, AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR. ALSO INCLUDED IN THE APPLICATION IS A REQUEST TO WAIVE THE REQUIREMENT TO FILE A PARCEL MAP, FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BOULEVARD (PA2011-141)

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2. The applicant proposes [project description a lot merger for the following property, under common ownership, portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held on September 14, 2011 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
6. On September 22, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones, Ms. Joan Campbell, and Mr. John Silva. The appeal was filed to further consider two findings, which the applicants felt were not adequately addressed in the Zoning Administrator's decision.
7. The Planning Commission held a public hearing on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning

BY: _____
Bradley Hillgren, Secretary

Attachment No. PC 3

Zoning Administrator Action Letter



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. Lot Merger No. LM2011-002 (PA2011-141)
Applicant The John Guida Trust and The Julie Guida Trust
Site Address 2808 and 2812 Ocean Boulevard
2808 and 2812 Ocean Boulevard Lot Merger
Legal Description Portions of Lots 4, 5, and 6, Blk 34 of Corona del Mar

On September 14, 2011, the Zoning Administrator approved the following: a lot merger for the following property, under common ownership: portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map. The property is located in the R-1 (Single-Unit Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

Findings

- A. **Finding:** *The proposed project is in conformance with the California Environmental Quality Act.*

Facts in Support of the Finding:

- A-1. The project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of projects with minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.
- B. **Finding:** *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

- E. **Finding:** *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of the Finding:

- E-1. Vehicular access to and from the subject site and adjacent properties would remain the same via an alley and an ingress and egress easement at the rear of the site.
- F. **Finding:** *The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of the Finding:

- F-1. Corona del Mar consists of lots of varying shapes and sizes. The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13,678 square feet. Other nearby lots on Ocean Boulevard have lot widths as wide as 73 feet and area as large as 13,325 square feet. The merger of the two lots it will not create an excessively large lot in comparison to many of the existing lots in the surrounding area.
- F-2. Development within the R-1 Zoning District can have a maximum floor area 1.5 times the buildable area of the lot. The proposed parcel will not be developed beyond this maximum square footage, and will be developed consistent with the surrounding development.

In accordance with Section 19.08.030 of the Municipal Code (Waiver of Concurrent Parcel Map), the Zoning administrator approved a waiver of the parcel map requirement since no more than three parcels are eliminated.

- G. **Finding:** *That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

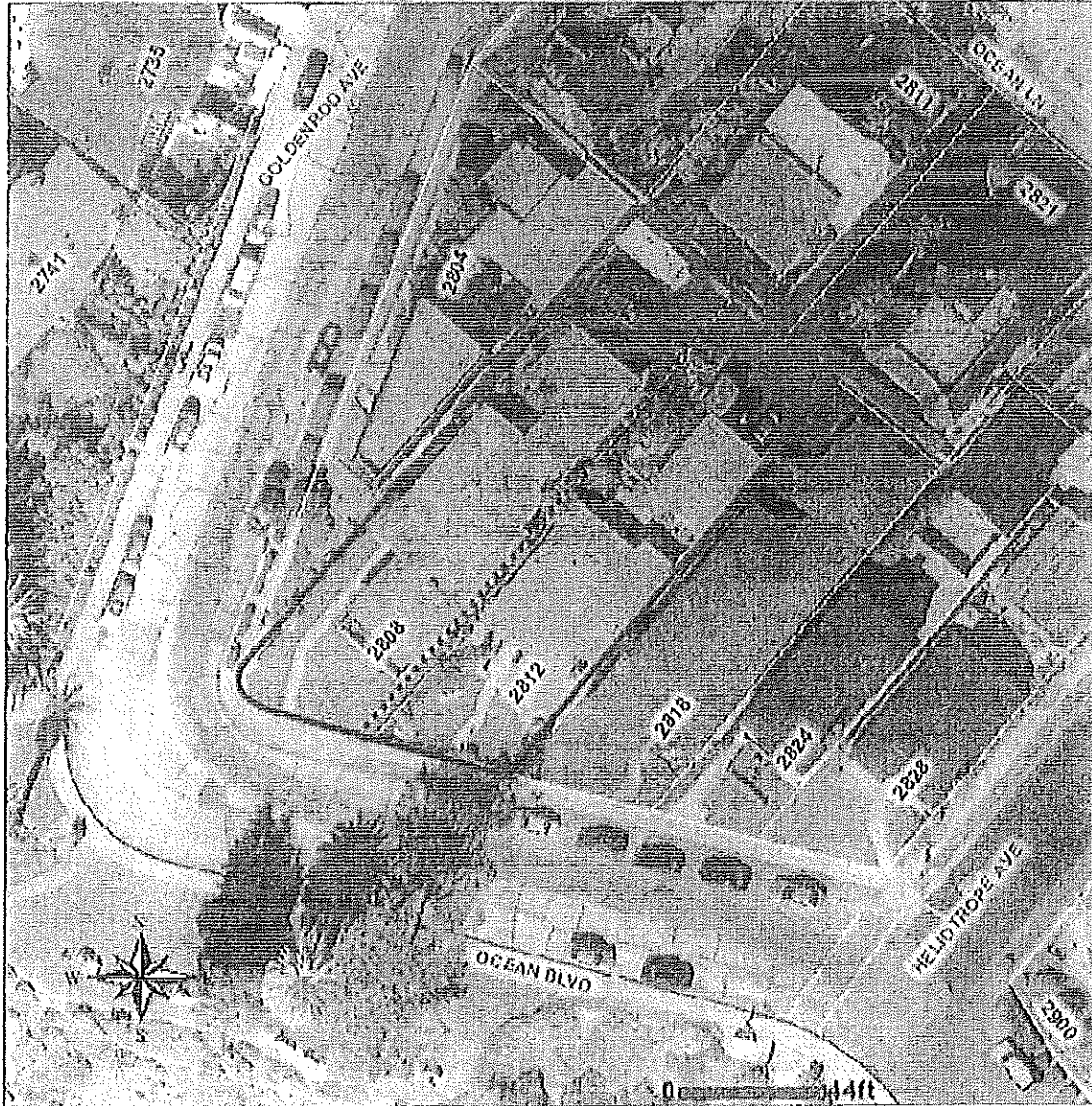
- G-1. The existing lots currently comply with the design standards and improvements required by the Zoning Code, General Plan, and Coastal Land Use Plan.
- G-2. The proposed lot merger combines the lot portions into a single parcel of land and does not result in the elimination of more than three lot portions.
- G-3. Approval of the proposed lot merger would remove the existing interior lot lines, and allow the property to be redeveloped as a single site. The land use, density, and

13. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
14. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.
15. Prior to recordation of the lot merger, the development of the parcels combined shall conform to current zoning regulations pertaining to the number of dwelling units and the distance between detached structures. The proposed parcel shall have one dwelling unit. One structure shall be modified or demolished to achieve the required separation between structures and density.
16. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
17. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
18. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
19. Prior to issuance of the building permit for any new construction on the property, the Planning Division shall verify recordation of the document with the County Recorder.
20. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **2808 and 2812 Ocean Boulevard Lot Merger** including, but not limited to, Lot Merger No. LM2011-002 (PA2011-141). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Lot Merger No. LM2011-002
PA2011-141

2808 and 2812 Ocean Boulevard

Attachment No. ZA 2

Lot Merger Map

Not Included – See PC Attachment No. 6

Attachment No. PC 4

Correspondence, Petition, and
Exhibits (Zoning Administrator Hearing)

September 14, 2011


To whom it may concern,

The subject vicinity along Ocean Boulevard is sorely in need of renewal and improvement. In that regard, I have no objection to the subject proposed lot assembly along Ocean Boulevard as such. However I do have concerns as regards the related subsequent residential development.

It would appear that, as proposed, this development may result in an excessive structural height and bulk not intended in the terms of the original legal deed restrictions governing the development of these parcels. If approved as proposed, the development would likely adversely affect the adjacent properties governed by the deed restrictions and other neighboring properties as well.

Thus the developer should be encouraged proceed to renew these lots but with a modestly redesigned project more in keeping with the intent of the deed restrictions, especially as regards overall height considerations.

Sincerely



John H. Anderson
214 Goldenrod Avenue
949-723-1556

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COMMUNITY

SEP 07 2011

DEVELOPMENT

CITY

NEWPORT

September 7, 2011

the planner Kay Sims

Here five lots were planned to be developed three one story houses on Ocean Blvd, then to continue on to develop two two story houses directly behind with kitchen living and dining area on the second floor so that they would always have a view over the three one story houses in front of them, thus the necessity for the C.C. and R's.

We were shown this property at 11:00 in the morning and were so entranced with the location and the view we accepted their asking price and bought it at 4:00 that afternoon.

We were told that the lot came with C.C. and R's and that we would also own half the driveway or ally that ran between the two story houses ^{beside} ~~in front of~~ the Ocean Blvd.

The Suidas Ired bought the two houses in front with full knowledge of the C.C. & R's that ran with the Campbell and Silva houses behind them.

We the houses behind gave up 10 ft of our land for the protection of our view forever. Waterbury's intent set.

We feel that the request to merge these two lots is the first step to override the deed restrictions that have been in place since 1951, and all former owners have abided by these restrictions.

The Suidas must realize putting two houses at a higher level will hamper the view not only directly behind them but also affect the houses quite a way up the hill.

Jean Campbell

43 86

Reference: 2808 and 2812 Ocean Blvd., Corona del Mar, Ca. Lot Merger.

Lot Merger No. LM2011-002 (PA 2011-141)

Legal Description, Portions of Lots 4, 5, and 6, Blk 34 of Corona del Mar

Applicant The John Guida Trust and The Julie Guida Trust.

We the undersigned challenge this project based on the finding B and E listed in the zoning Administrator Zoning Action Letter

B. Finding: Approval of the merger will not under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvement in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.

E. Finding: Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

NAME

ADDRESS

SIGNATURE

ROBIN CAMPBELL 2811 OCEAN LN Robin Campbell

Joan F. Campbell 2811 Ocean Lane Joan F. Campbell

John M. Silva 2821 OCEAN LANE John M. Silva

ALBERTA O. SILVA 2821 OCEAN LANE Alberta O. Silva

CLIFFORD L. JONES 2800 OCEAN BLVD Clifford L. Jones

LINDA JONES 2800 OCEAN BLVD Linda Jones

Peter Campbell 2811 Ocean Lane Peter Campbell

HARLOW RUSHING 217 HELENDALE HARLOW RUSHING

NGA RUSHING 217 HELENDALE NGA RUSHING

CARE THON 2800 Ocean Lane Care Thon

Alise Remer 210 Goldenrod Alise Remer

Alise

629185 109

23381

DECLARATION OF RESTRICTIONS

* * * * *

RECEIVED BY
COMMUNITY
SEP 07 2011
CITY OF NEWPORT BEACH

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, the undersigned WALTER S. MORAHERN and LILLIAN M. MORAHERN, his wife, are the owners of Lots 3 and 4 and the undersigned, PAUL O. CLELAND and SYLVIA A. CLELAND, his wife, are the owners of Lots 5 and 6, all in Block 34, Resubdivision of Corona del Mar, as shown on Map thereof in Book 4, at page 67, of Miscellaneous Maps, records of Orange County, State of California, and

WHEREAS, the parties hereto mutually desire to restrict the height of buildings which may hereafter be placed or constructed upon said property.

NOW, THEREFORE, in consideration of the premises and of the advantages derived by each of the parties hereto by the making of this declaration and further in consideration of the benefits which will accrue to said real property and to each and every parcel thereof,

IT IS HEREBY MUTUALLY COVENANTED, AGREED AND DECLARED that said land and each and every part and parcel thereof, except the Northeastly 96 foot thereof, shall, from and after the date hereof, be subject to the following restrictions and/or covenants which shall apply to and be binding upon the parties hereto and each of their successors and assigns, as follows:

That any building or structure placed or constructed

COMMUNITY
DEVELOPMENT
CITY OF NEWPORT BEACH
JUL 7 2011

BOOK 2185 PAGE 102

trust, such reconveyance shall not in any manner affect the validity or continuation of the covenants, restrictions or declarations herein contained, but the same shall remain in full force and effect for the benefit of each party hereto and for the benefit of the successive owner or owners of said real property and each and every lot or parcel thereof.

IN WITNESS WHEREOF the parties hereto have set their hands and seals this 25th day of April, 1951.

RECORDED AT REQUEST OF

WILLIAMS TITLE COMPANY

MAY 7 1951 9:00 A M

BOOK 2185 PAGE 102

OFFICIAL RECORDS
Orange County, California

Paul G. Cleland

County Recorder

Walter S. McEachern
Walter S. McEachern

Lillian M. McEachern
Lillian M. McEachern

Paul G. Cleland
Paul G. Cleland

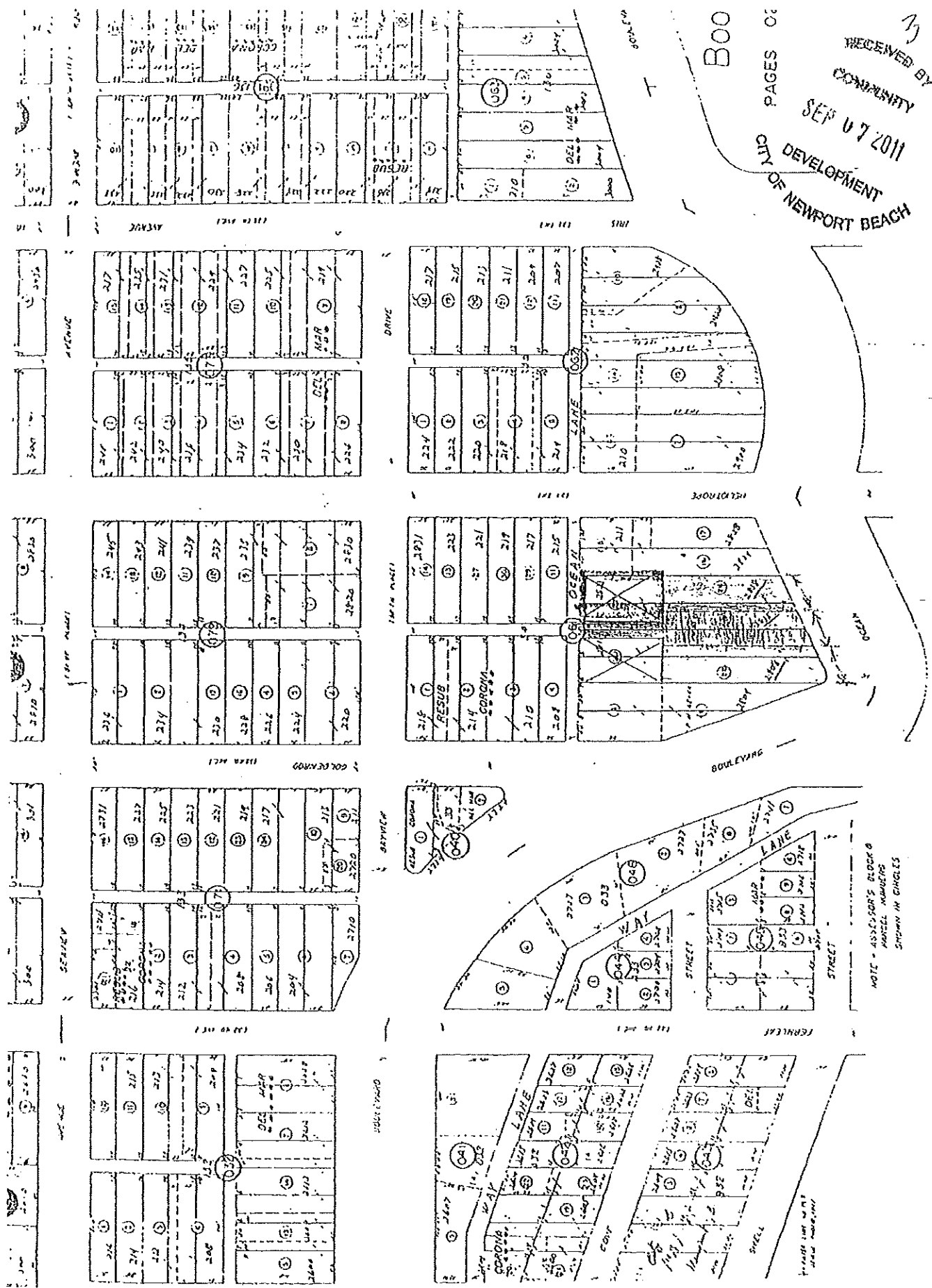
Sylvia A. Cleland
Sylvia A. Cleland

STATE OF CALIFORNIA)
County of Los Angeles) ss

On this 25th day of April, 1951, before me, the undersigned Notary Public in and for said county and state, personally appeared WALTER S. McEACHERN, LILLIAN M. McEACHERN, PAUL G. CLELAND and SYLVIA A. CLELAND, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

Notary Public in and for County
of Los Angeles, State of California

My Commission Expires Feb 1, 1952



Place Internal Revenue Stamps in this Space ROOM 2187 BOX 233

24948
JOINT TENANCY GRANT DEED

Affix I.R.S. \$

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

PAUL O. CLELAND and SYLVIA A. CLELAND, his wife,

do hereby GRANT to WALTER S. MOEACHERN and LILLIAN M. MOEACHERN, his wife, as Joint Tenants,

the real property in the County of Orange, State of California, described as;

An easement for ingress and egress, pipe lines, pole lines and other public utilities over, across and under that portion of Lot 5 in Block 34 of Resubdivision of Corona del Mar, as shown on a map recorded in Book 4, at page 67, of Miscellaneous Maps, records of Orange County, California, lying within the following described parcel of land, said easement to be for the benefit of and to be used in common by the owners of land in Lots 3, 4, 5 and 6 of said Block 34:

BEGINNING at the most Easterly corner of said Lot 5 and running thence Northwesterly along the Northeasterly line of said Lot 5, 10 feet; thence Southwesterly parallel with the Southeasterly line of said Lot 5, 96 feet; thence Northwesterly parallel with the Northeasterly line of said Lot 5, 10 feet; thence Southwesterly parallel with the Southeasterly line of said Lot 5, 20 feet; thence Southeasterly parallel with the Northeasterly line of said Lot 5 and the Northeasterly line of Lot 4 in said Block 34, 40 feet; thence Northeasterly parallel with the Northwesterly line of said Lot 4, 20 feet; thence Northwesterly parallel with the Northeasterly line of said Lot 4, 10 feet; thence Northeasterly parallel with the Northwesterly line

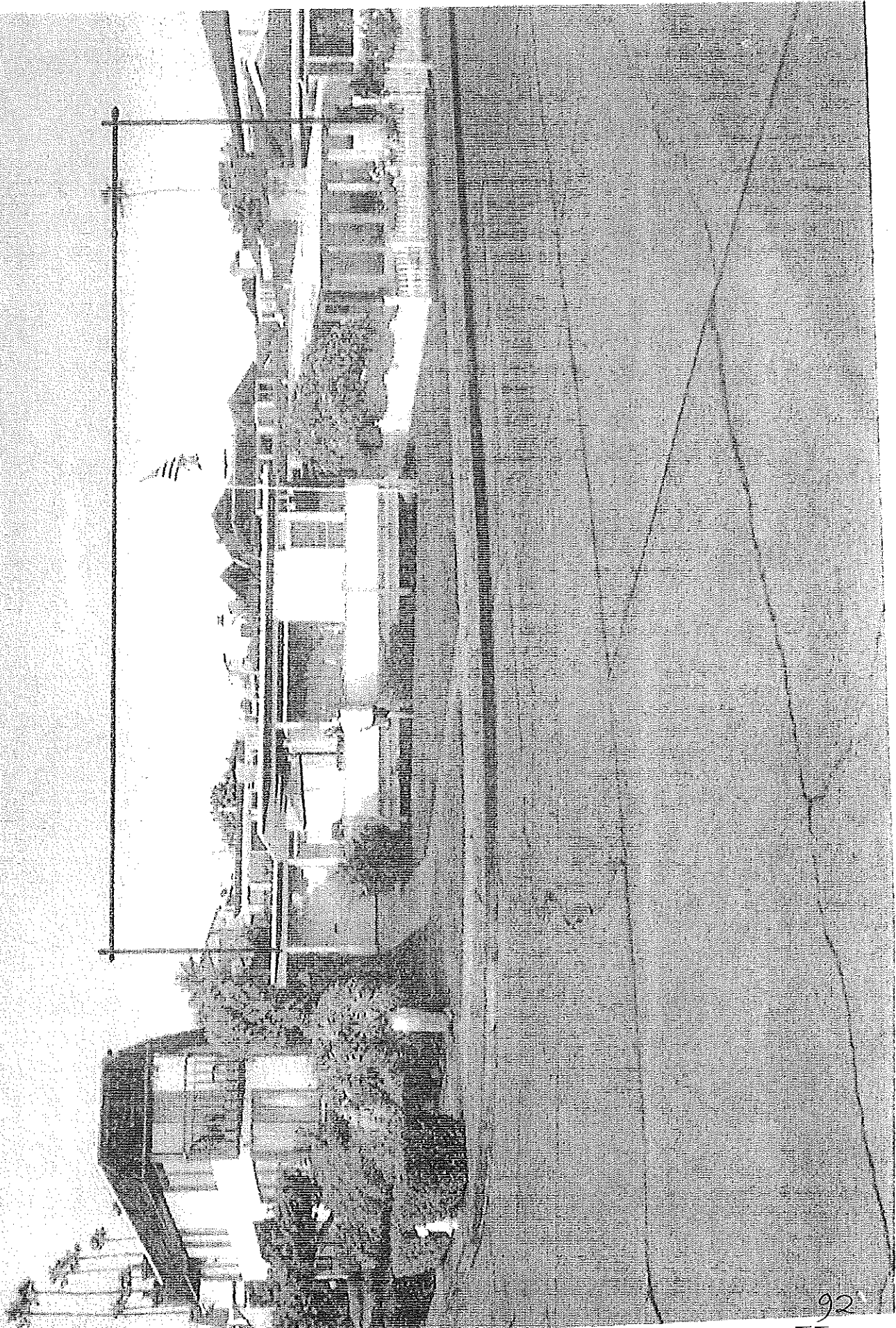
2812 Ocean Blvd.

Tag "F3C-064"

APN 052-061-25

+6' ELEV. # ETC
29'

2300, 2312 OCEAN BLVD.



GOLDEN ROD

+6' ELV & ETC

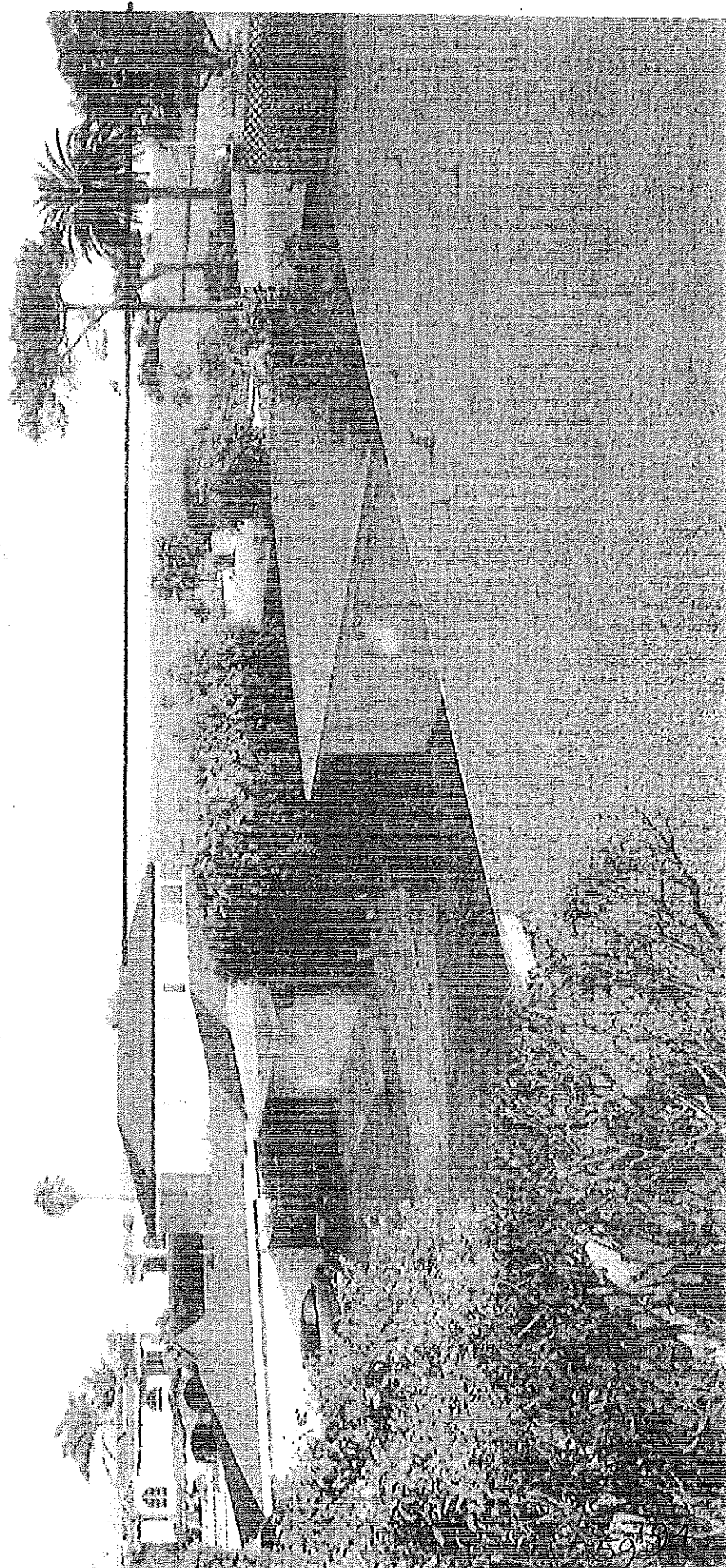
29'



2300 OCEAN BLVD

+ 61 ELY # ETC

162



59

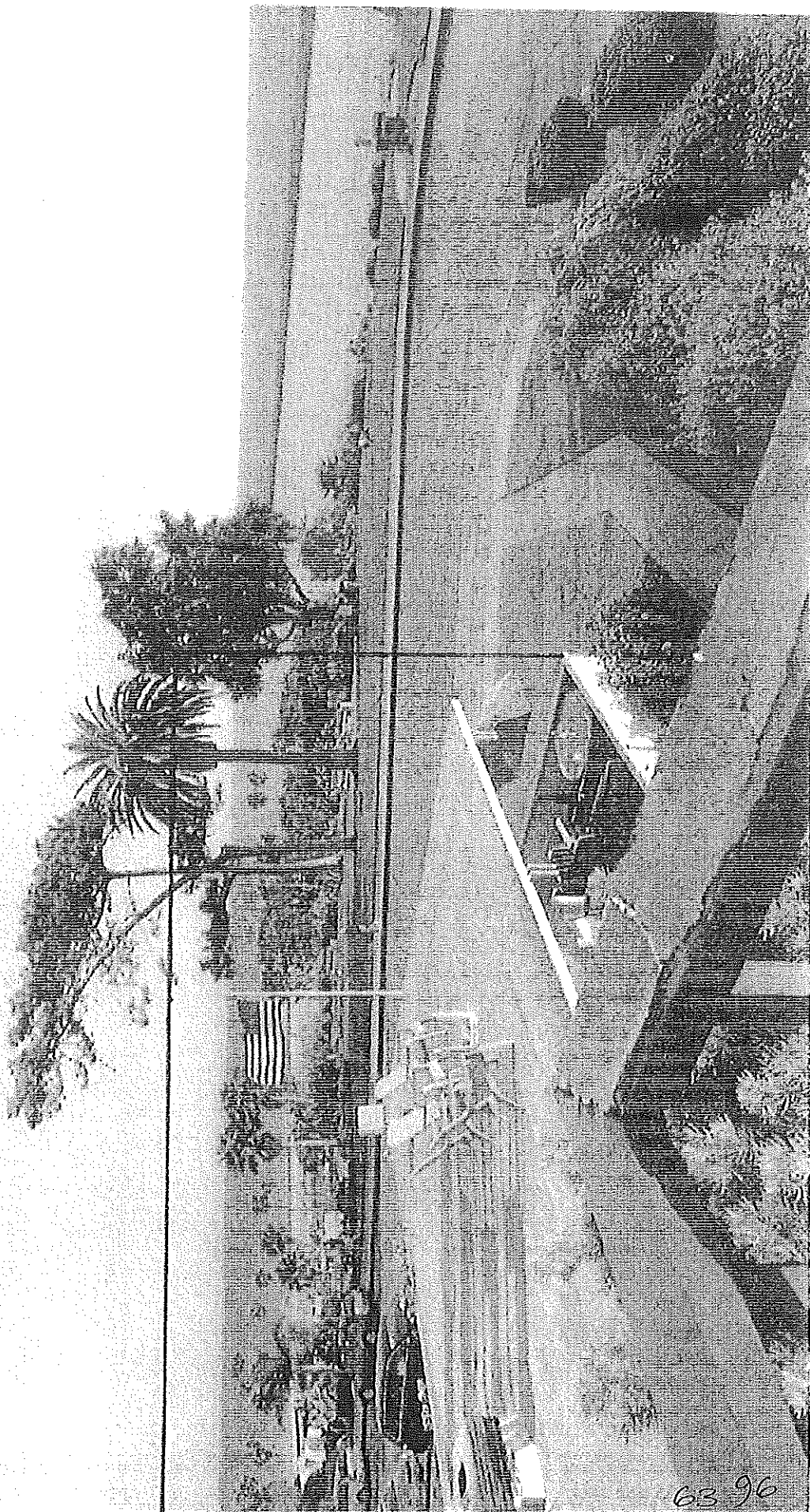
2800 OCEAN BLVD.

152
2510 1713 94-



2804 OCEAN BLVD.

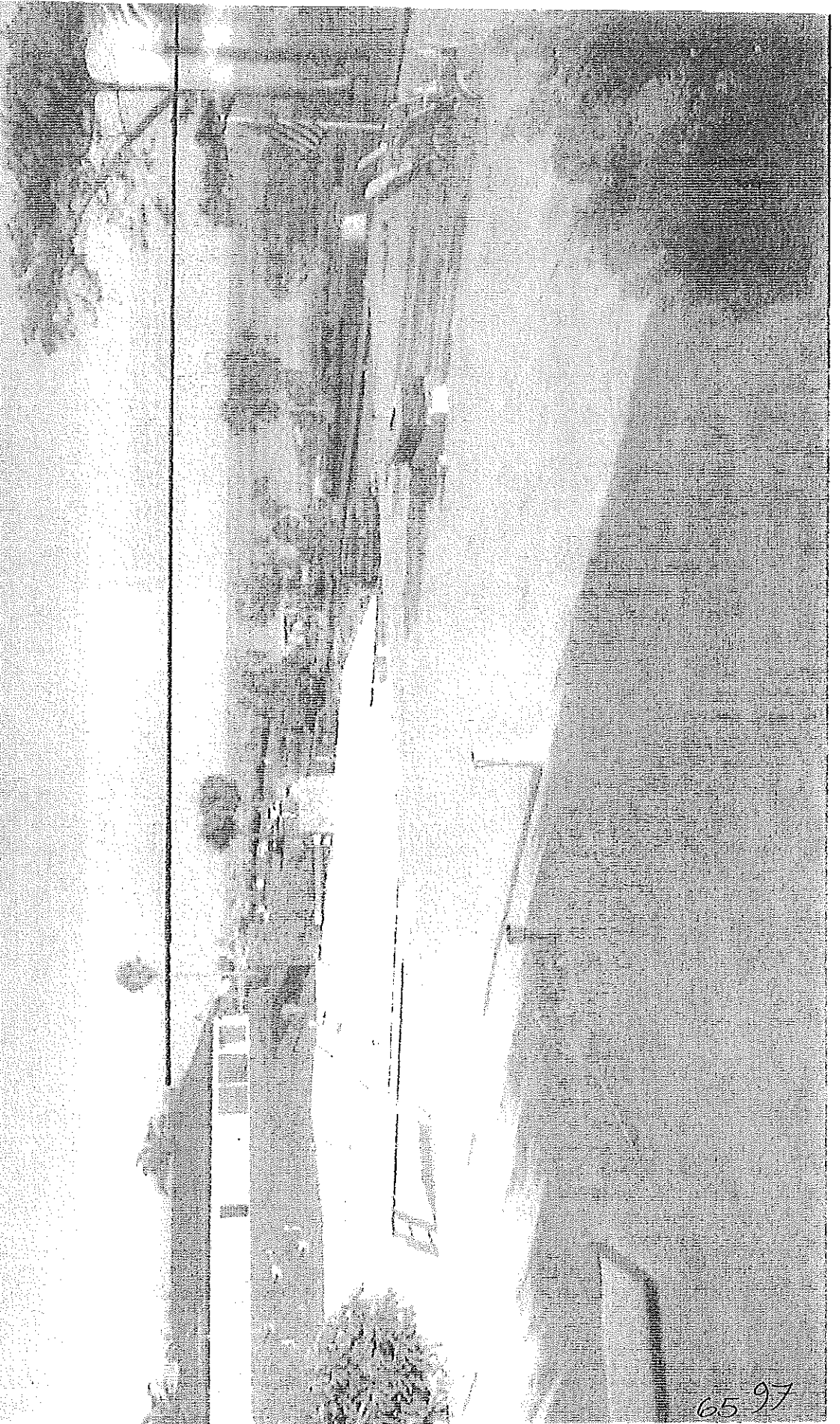
46' EW. & ETC.
29'



63 96

2804 OCEAN BLVD

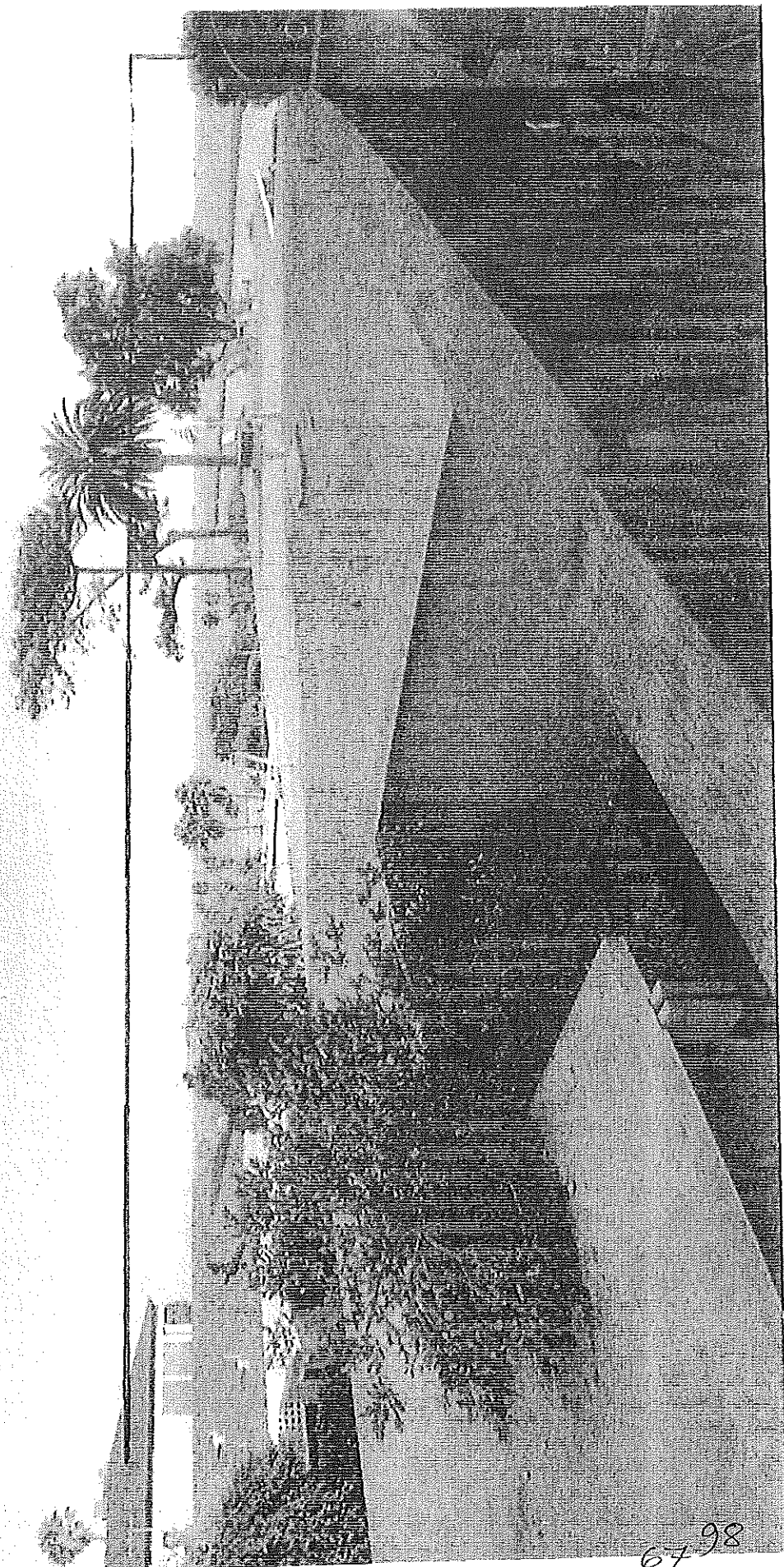
+ 6' ELEV ETC
291



65 97

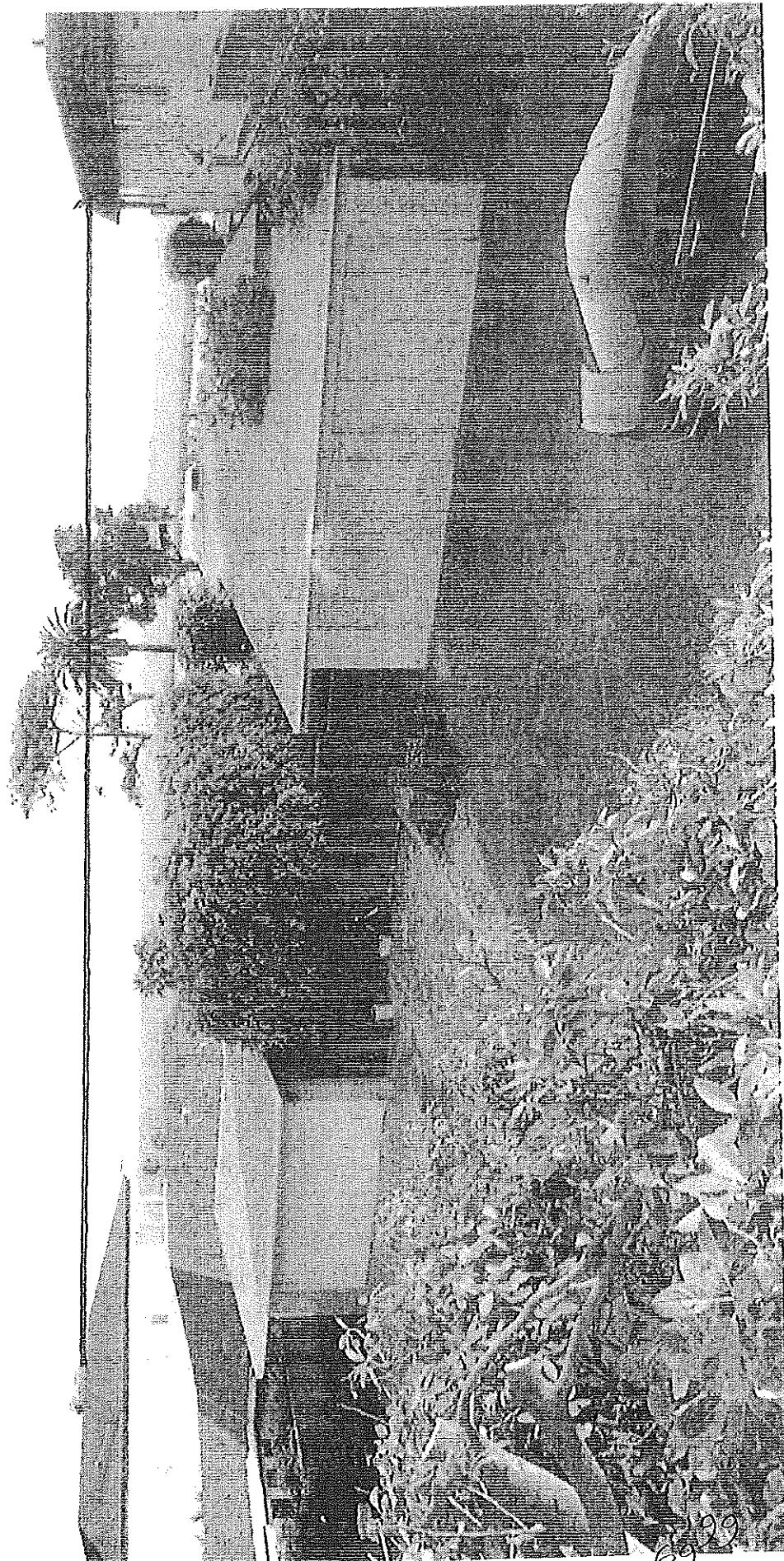
2804 OCEAN BLVD.

+ 6 E.V. & ETC-1
291



2811 OCEAN LANE +6' EW. 100%

2811 OCEAN LANE



2811

2811 OCEAN LANE

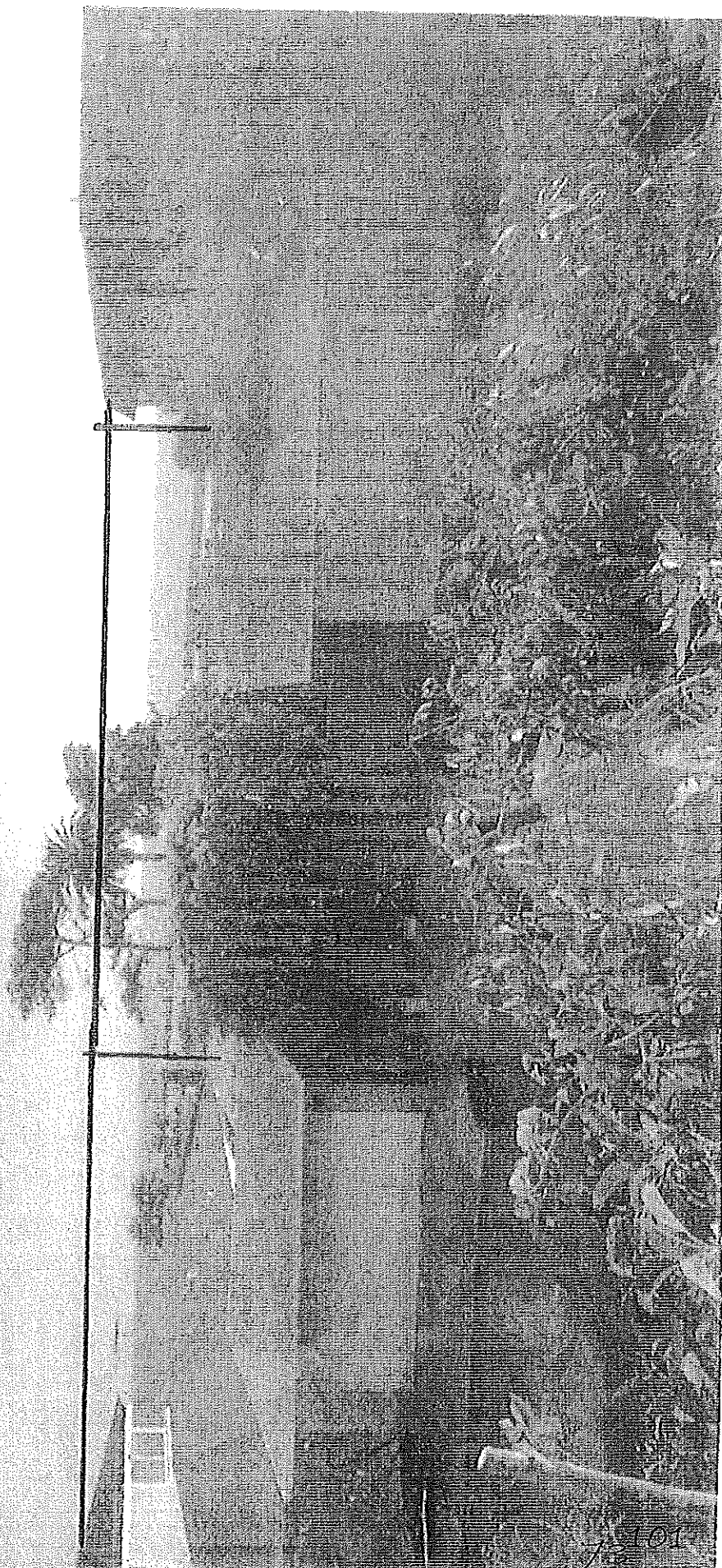
+6' ELEV. & ETC
29'



3A100

16' ELEV. & ETC

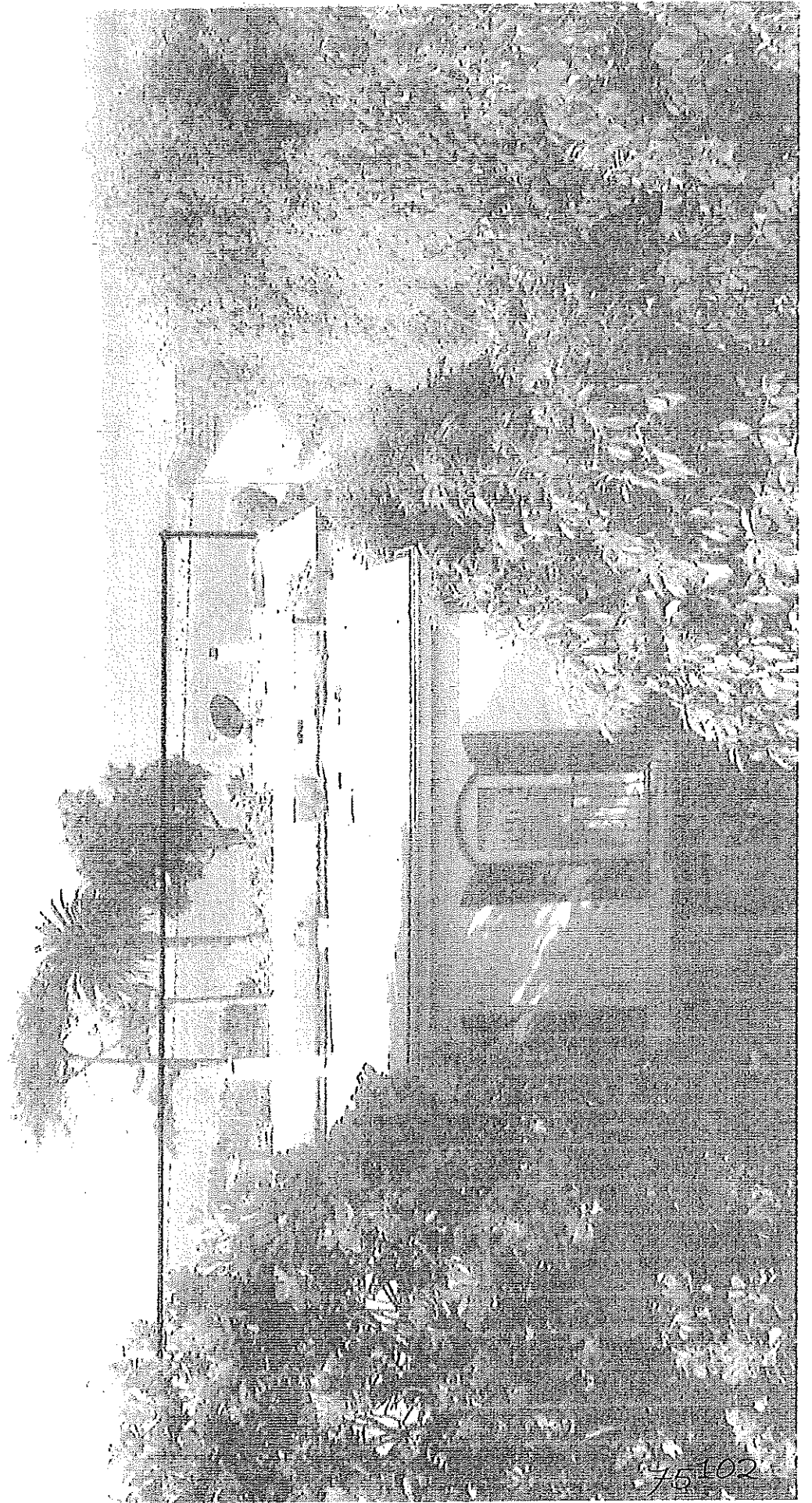
2011 OCEAN LANE



73101

2800 OCEAN LANE

TO CAMP EIC 291



75102

2821 OCEAN LANE

+ 6' ELEV. ETC

291



217 HELIOTROPE

46' ELEV ETC

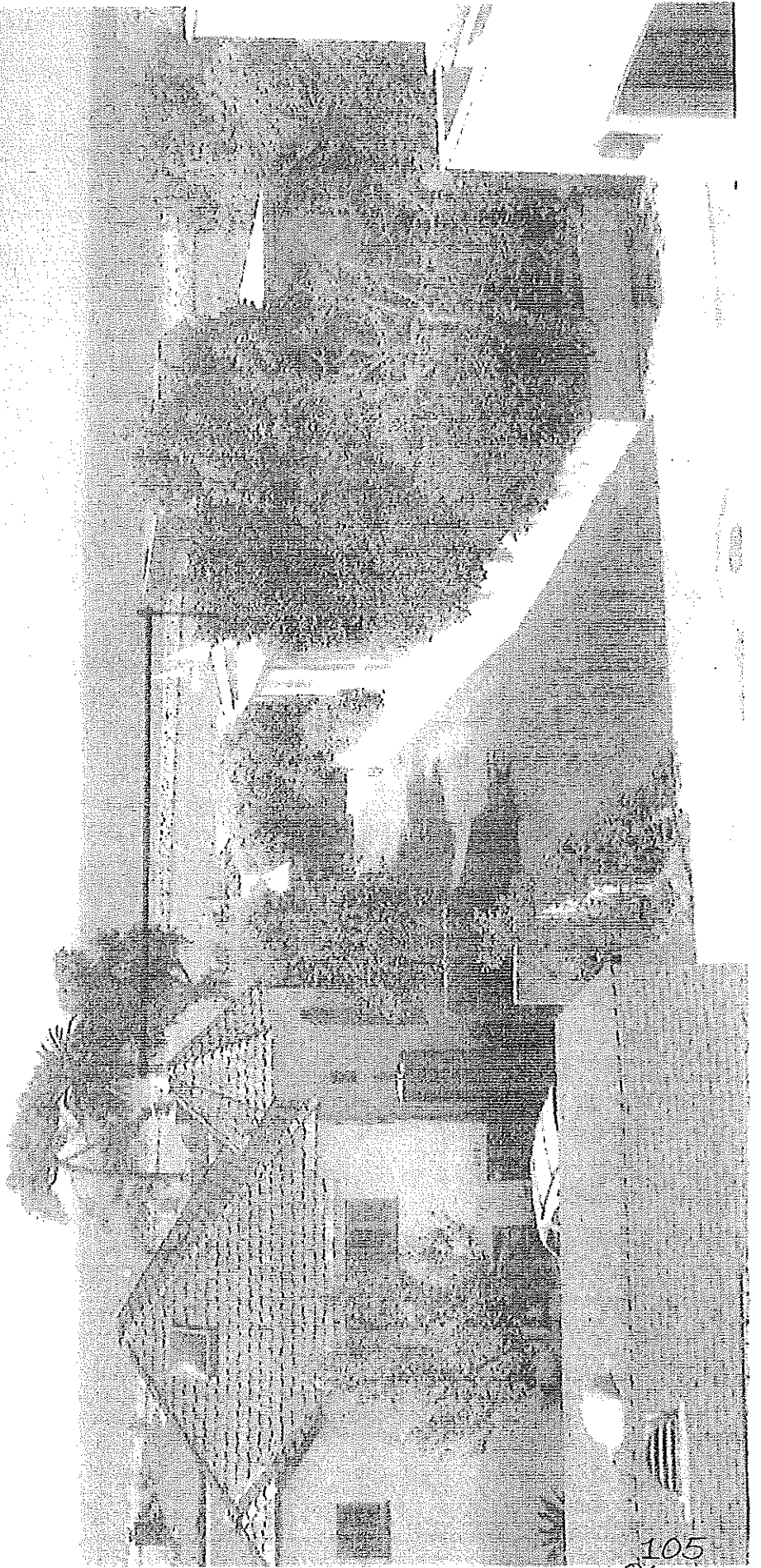
291



79104

229 HELIOTROPE

+6' ELEV & ETC
291



105
87

Attachment No. PC 5

Appeal Statement



Appeal Application

Community Development Department
Planning Division

3300 Newport Boulevard, Newport Beach, CA 92663
(949)844-3204 Telephone | (949)844-3229 Facsimile
www.newportbeachca.gov

For Office Use Only

Date Appeal Filed: 9.23.11

Fee Received: \$4333.00

Received by: AKS

Application to appeal the decision of the: ☒ Zoning Administrator
☐ Planning Director
☐ Hearing Officer

Appellant Information:

Name(s): CLIFFORD JONES, JOAN CAMPBELL, JOHN SILVA
Address: 2800 OCEAN BLVD, 2811, 2821 OCEAN LANE
City/State/Zip: CORONA DEL MAR, CA 92625
Phone: 949 283-9054 Fax: 949-673-5979 Email: LYNDILU@ATT.NET

Appealing Application Regarding:

Name of Applicant: JOHN GUIDA TRUST Date of Decision: SEPT 14, 2011
Project No. (PA): PA 2011-141 Activity No.: LM 2011-002
Site Address: 2808 & 2812 OCEAN BLVD.
Description: PORTIONS OF LOTS 4, 5 AND 6 BLK 34
OF CORONA DEL MAR,

Reason(s) for Appeal (attach a separate sheet if necessary): PLEASE SEE
ATTACHED

Along with application, please submit the following:

- Twelve (12) 11x17 sets of the project plans
- One set of mailing labels (Avery 8960) for property owners within 300 ft. radius of subject property

Signature of Appellant: Joan F. Campbell Date: 9/22/11

☒ FILE COPY

X:\Users\PLM\Shared\Intranet\Docs\Applications\Appeal\AppealApplication.docx
Updated 6/18/11

85107

Attachment No. PC 6

Proposed Lot Merger Map

EXHIBIT 'A'
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11 -
(Legal Description)

Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26 052-061-25	PARCEL 1 0.314 AC (gross) 0.296 AC (net)

SHEET 1 OF 1

PARCEL 1:

In the City of Newport Beach, County of Orange, State of California being all of Lots 4 through 6 in Block 34 of the Re-Subdivision of Corona Del Mar, as per map recorded in Book 4, Page 67, of Miscellaneous Maps in the Office of the County Recorder of said Orange County.

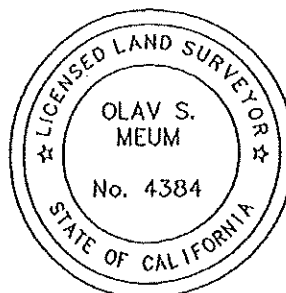
EXCEPTING THEREFROM the Northeasterly 96.00 feet thereof.

ALSO EXCEPTING THEREFROM the Southeasterly 10.00 feet of said Lot 4.

Containing 0.314 Acres (13,697 sq. ft.), more or less.

All as shown on Exhibit 'B' attached hereto and by this reference made a part hereof.

SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS OF WAY, AND OTHER MATTERS OF RECORD, IF ANY.



PREPARED BY ME OR UNDER MY
DIRECTION ON APRIL 08, 2011.

[Signature]
OLAV S. MEUM

6-14-11
LS 4384




8910 11481

EXHIBIT 'B'
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11 - _____
(Map)


Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26 052-061-25	PARCEL 1 0.314 AC (gross) 0.296 AC (net)

SHEET 2 OF 2

EASEMENT NOTE:

-  AN EASEMENT FOR INGRESS AND EGRESS, PIPE LINES, POLE LINES AND OTHER PUBLIC UTILITIES FOR THE BENEFIT OF AND TO BE USED IN COMMON BY THE OWNERS OF LAND IN LOTS 3, 4, 5 & 6 OF BLOCK 34 AS RECORDED ON MAY 11, 1951 IN BOOK 2187, PAGE 233 & BOOK 2187, PAGE 235, BOTH OF OFFICIAL RECORDS.
-  10' WIDE EASEMENT FOR SEWER PURPOSES RECORDED IN BOOK 2165, PAGE 614 OF OFFICIAL RECORDS, AS SHOWN ON PARCEL MAP RECORDED IN BOOK 65, PAGE 21 OF PARCEL MAPS.
-  10' WIDE EASEMENT FOR SEWER PURPOSES RECORDED IN BOOK 2165, PAGE 611 OF OFFICIAL RECORDS, AS SHOWN ON PARCEL MAP RECORDED IN BOOK 65, PAGE 21 OF PARCEL MAPS.

SURVEYOR'S NOTE:

-  A PORTION OF THE LAND INCLUDED WITHIN THIS LOT MERGER AS DESCRIBED IN PARCEL 2 OF THE LATEST GRANT DEED RECORDED ON DECEMBER 20, 2010 AS INSTRUMENT No. 2010000708142 O.R. AGREES WITH THE LAND SHOWN AS PARCEL 1 OF A PARCEL MAP RECORDED ON DECEMBER 5, 1974 IN BOOK 65, PAGE 21 OF PARCEL MAPS.

SCANNED

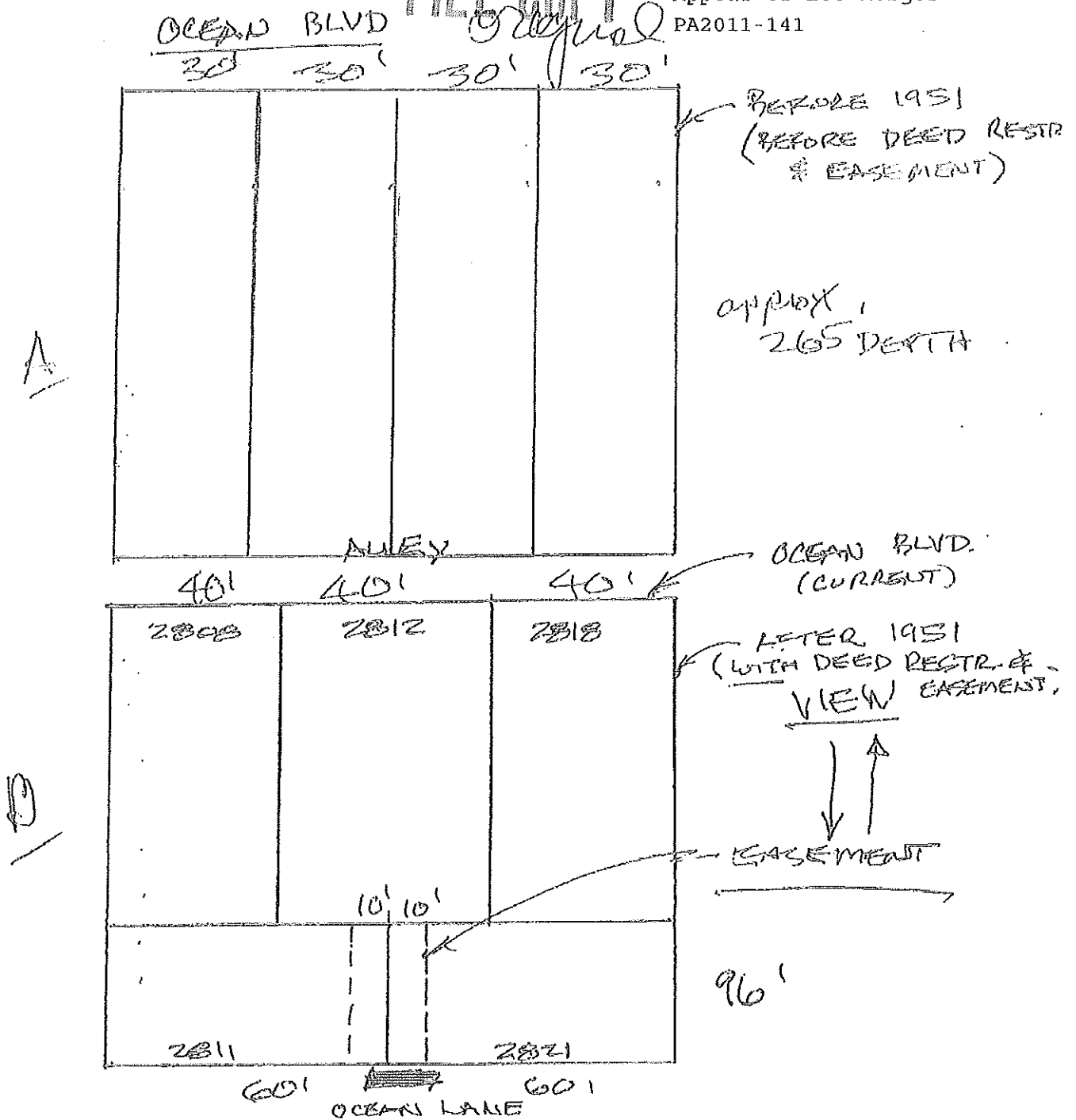
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Item No. 4a

Materials Received

Appeal of Lot Merger

PA2011-141



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COMMUNITY
OCT 18 2011
DEVELOPMENT
CITY OF NEWPORT BEACH

PROOF OF PUBLICATION

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I am a citizen of the United States and a resident of the County of Los Angeles; I am over the age of eighteen years, and not a party to or interested in the notice published. I am a principal clerk of the NEWPORT BEACH/COSTA MESA DAILY PILOT, which was adjudged a newspaper of general circulation on September 29, 1961, case A6214, and June 11, 1963, case A24831, for the City of Costa Mesa, County of Orange, and the State of California. Attached to this Affidavit is a true and complete copy as was printed and published on the following date(s):

Saturday, October 8, 2011

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2011
at Los Angeles, California

Michael Ramsey
Signature

RECEIVED BY
COMMUNITY
OCT 13 2011
DEVELOPMENT
CITY OF NEWPORT BEACH



RESOLUTION

City Council of the City of Newport Beach
1122 Newport Blvd, Newport Beach
California 92660-1000

Regular Meeting October 13, 2011 at 7:30 p.m.
1. SUBJECT: Newport Beach Country Club (NBBCC)
2. SUBJECT: Newport Beach Country Club (NBBCC)
3. SUBJECT: Newport Beach Country Club (NBBCC)

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10. SUBJECT: Newport Beach Country Club (NBBCC)

FILE COPY

SCANNED

City Council
Attachment 8
Appeal of Planning Commission Denial

CITY OF NEWPORT BEACH RECEIVED

APPLICATION TO APPEAL DECISION OF THE PLANNING COMMISSION NO: 44

Application No. Project No. PA2011-141; Lot Merger No. LM2011-002

Name of Appellant John Guida
or person filing: _____

OFFICE OF
THE CITY CLERK
219-629-0471
CITY OF NEWPORT BEACH

Phone: _____

Address: 8 Old Course Drive, Newport Beach, CA 92660

Date of Planning Commission decision: October 20, 2011, 20 _____

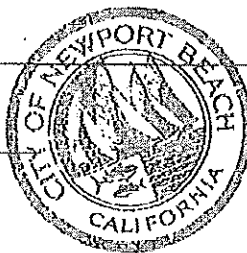
Regarding application of: The John Guida Trust and The Julie Guida Trust for _____

(Description of application filed with Planning Commission) On October 20, 2011, the Planning Commission considered an appeal of the City Zoning Administrator's approval of John and Julie Guida's application for a lot merger. The Planning Commission reversed the Zoning Administrator's decision and rejected the Guidas' request for a lot merger. The lot merger application concerns portions of Lots 4, 5, and 6, Block 34 of Corona del Mar, commonly known as 2808 and 2812 Ocean Boulevard, Corona del Mar.

Reasons for Appeal : The Planning Commission improperly concluded that the proposed lot merger would have a detrimental effect on the health, comfort and general welfare of persons residing or working in the neighborhood, and it improperly concluded that the merged lot would be inconsistent with the surrounding pattern of development and would create a lot whose size was incompatible with the surrounding development.

Signature of Appellant

CITY CLERK



Date 10-27-11

FOR OFFICE USE ONLY

Date Appeal filed and Administrative Fee received: OCTOBER 27, 20 11.

Hearing Date. An appeal shall be scheduled for a hearing before the City Council within sixty (60) days of the filing of the appeal unless both applicant and appellant or reviewing body consent to a later date (NBMC Sec. 20.95.060)

cc: Appellant
Planning (furnish one set of mailing labels for mailing)
File

APPEALS: Municipal Code Sec. 20.95.050(B)

Appeal Fee: \$4,062.00 pursuant to Resolution No. 2011-24 adopted on 3-8-11.

(Deposit funds with Cashier in Account #2700-5000)

JULIE A. GUIDA 03-11
JOHN GUIDA
1335 S PRAIRIE AVE., UNIT 2001
CHICAGO, IL 60605-3145

2-1234
710

519

Oct. 27, 2011

PAY TO THE
ORDER OF

City of Newport Beach \$ *4062.00*
Four thousand sixty two and 00/100

J.P.Morgan

JPMorgan Chase Bank, N.A.
Chicago, Illinois

MEMO

⑆07⑆0000⑆3⑆

John Guida
93661206810569

Attachment No. PC 5

Proposed Alternative Development Standards

Proposed Guida Development Standards
2808 & 2812 Ocean Blvd.
Lot Merger No. LM2011-002
Corona del Mar
March 8, 2012

*Zoning Code Standards cited below are from the City of Newport Beach
Zoning Code – Title 20 (Ordinance No 2010-21)
Adopted October 26, 2010. Effective November 25, 2010.*

Lot Size:	Zone: R-1 (Single-Unit Residential)
2808 Ocean Blvd: 7,194 SF	
2812 Ocean Blvd: 6,499 SF	
Lots as Merged: 13,693 SF	

City Requirements – Set Backs	Proposed Development Standards
Front: 20'	Front: 20'
Rear: 10'	Rear: 10'
Left Side yard: 4'	Left Side yard: 4'
Right Side yard: 4'	Right Side yard: 4'

City Requirements –	Proposed Development Standards
Merged Lots Buildable Area	
10,046 SF	10,046 SF
Maximum Floor Area Limit	
1.5 F.A.L.	1.0 F.A.L.
15,069 SF	10,046 SF
Per Newport Beach Zoning Code Subterranean Basements SF does not count toward F.A.L.	

City Requirement – Establishment of Grade	Proposed Development Standards
Establishment of Grade: "The grade of a lot shall be established by one of the following methods"	Height Based on Established Grade of: 70.2'
5 percent or less slope. On lots where the slope of the 4-sided polygon is 5 percent or less, the grade of the surface from which structure height is measured shall be a plane established using the average of the elevations at each corner of the 4-sided polygon.	By averaging four corners of 71.4' 72.4' 68.7' <u>68.3'</u> Total 280.8 ÷ 4= <u>70.2'</u>

City Requirement - Height	Proposed for Flat Roof One-Story Home
Base Height Zone R-1: Allowed Maximum Building Height	Proposed Maximum Building Height: All heights measured from Established Grade of 70.20'
24'-0" for Flat Roof	34% up to 15'6" (Floor of Roof Deck)
	33% up to 15' (Measured to top of roof)
	33% up to 14' (Measured to top of roof)

Attachment No. PC 6

Conceptual Plans and Photo Sims

SITE PLAN NOTES

1. GENERAL GRADING REQUIREMENTS: REPAIRMENT OF BUILDING AND SURVEY BLADE PART OF THIS PLAN.
2. GRADE SHALL BE REPORT PREPARED BY A REGISTERED PROFESSIONAL ENGINEER AND ALL ELEVATIONS SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
3. ALL FOOTINGS SHALL BE PLACED INTO NATURAL UNDISTURBED SOIL. UNDISTURBED CITY RECORDS SHALL BE REVIEWED TO DETERMINE THE DEPTH OF THE UNDISTURBED SOIL. THE DEPTH OF THE UNDISTURBED SOIL SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
4. CITY GRADING PRE-APPROVAL REPORT PLAN NO. SHALL BE PART OF THE PLAN.
5. ALL OF THE GRADING SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
6. ALL OF THE GRADING SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
7. A LICENSED SURVEYOR OR CIVIL ENGINEER SHALL PROVIDE A GRADING REPORT TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
8. NO TRENCH OR EXCAVATION 2' OR MORE IN DEPTH AND WHICH PERSONS OR VEHICLES OR STRUCTURES OR UTILITIES OR PLANTS OR EQUIPMENT OR LAND OR OR EXCAVATION PERMIT. (PSS 18222.2 ET 18223)
9. THE CONSTRUCTION OR EXCAVATION OF ANY BUILDING, STRUCTURE, OR EXCAVATION OR STATE OF CALIFORNIA DIVISION OF INDUSTRIAL SAFETY PRIOR TO THE ISSUANCE OF A GRADING REPORT TO THE CITY OF LOS ANGELES.
10. A SEPARATE SET OF PLANS SHALL BE SUBMITTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
11. ALL GRADING SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
12. ALL GRADING SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
13. FOR GRADING REPORTS TO BE SUBMITTED TO THE CITY OF LOS ANGELES, ALL GRADING SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
14. ALL GRADING SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
15. THE BUILDING PRE-APPROVAL REPORT IS FOR THE EXISTING SCOPE OF WORK AS SHOWN ON THE PLAN. ANY CHANGES TO THE EXISTING SCOPE OF WORK SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
16. THE PRE-APPROVAL REPORT DOES NOT INCLUDE MECHANICAL, PLUMBING AND ELECTRICAL WORK.
17. THE OWNER REPRESENTATIVE WILL PROVIDE PLANS TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
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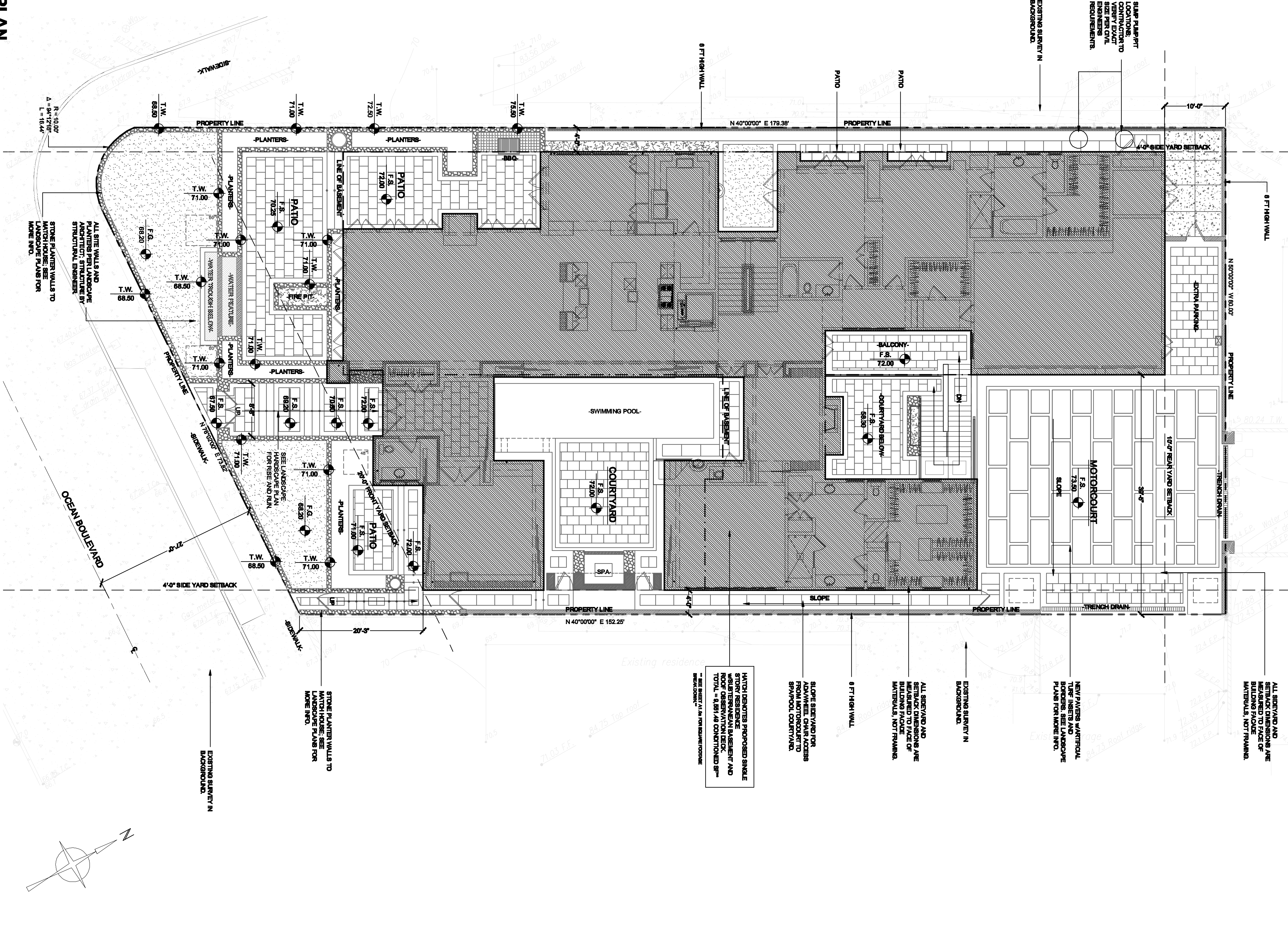
PLANNING NOTES

1. THE GRADING REPORT SHALL BE SUBMITTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
2. ELEVATIONS NOT EXCEED 10.0 FT. ABOVE THE 2' SHOT HEIGHT LIMIT.
3. POOL, SPA, WALL, FENCE, DRIVE, DRIVE AND OTHER FEATURES SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.

BUILDING NOTES

1. ALL CONCRETE SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
2. ROOMS CONTAINING BATHS, SHOWERS, SPA AND BATHS SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
3. PHOTOGRAPHY, FURNITURE, CHAIRS AND ALL OTHER CONTENTS SHALL BE REPORTED TO THE CITY OF LOS ANGELES IN THE FORM OF A GRADING REPORT TO BE SUBMITTED TO THE CITY OF LOS ANGELES.
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1 SITE PLAN

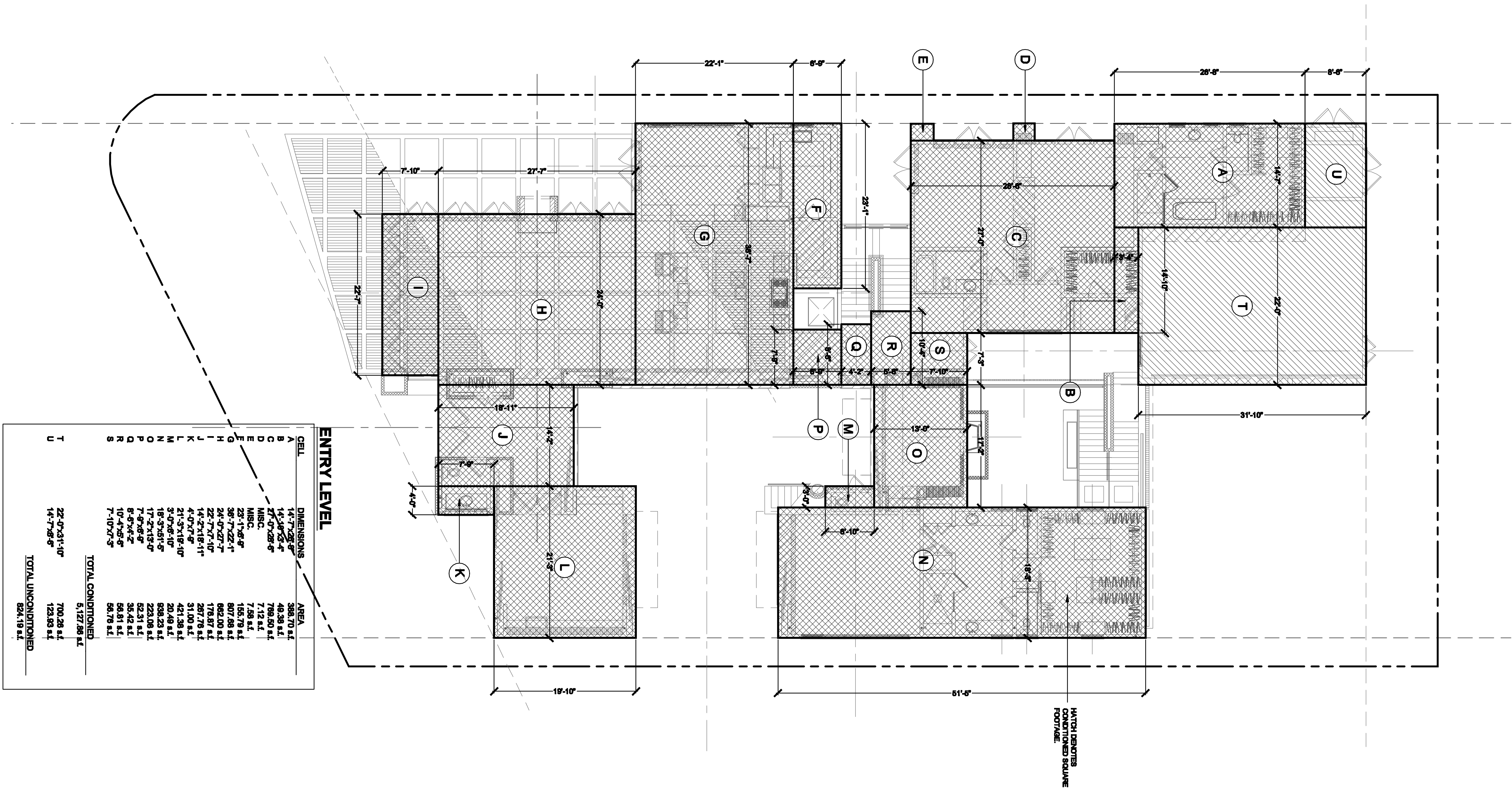
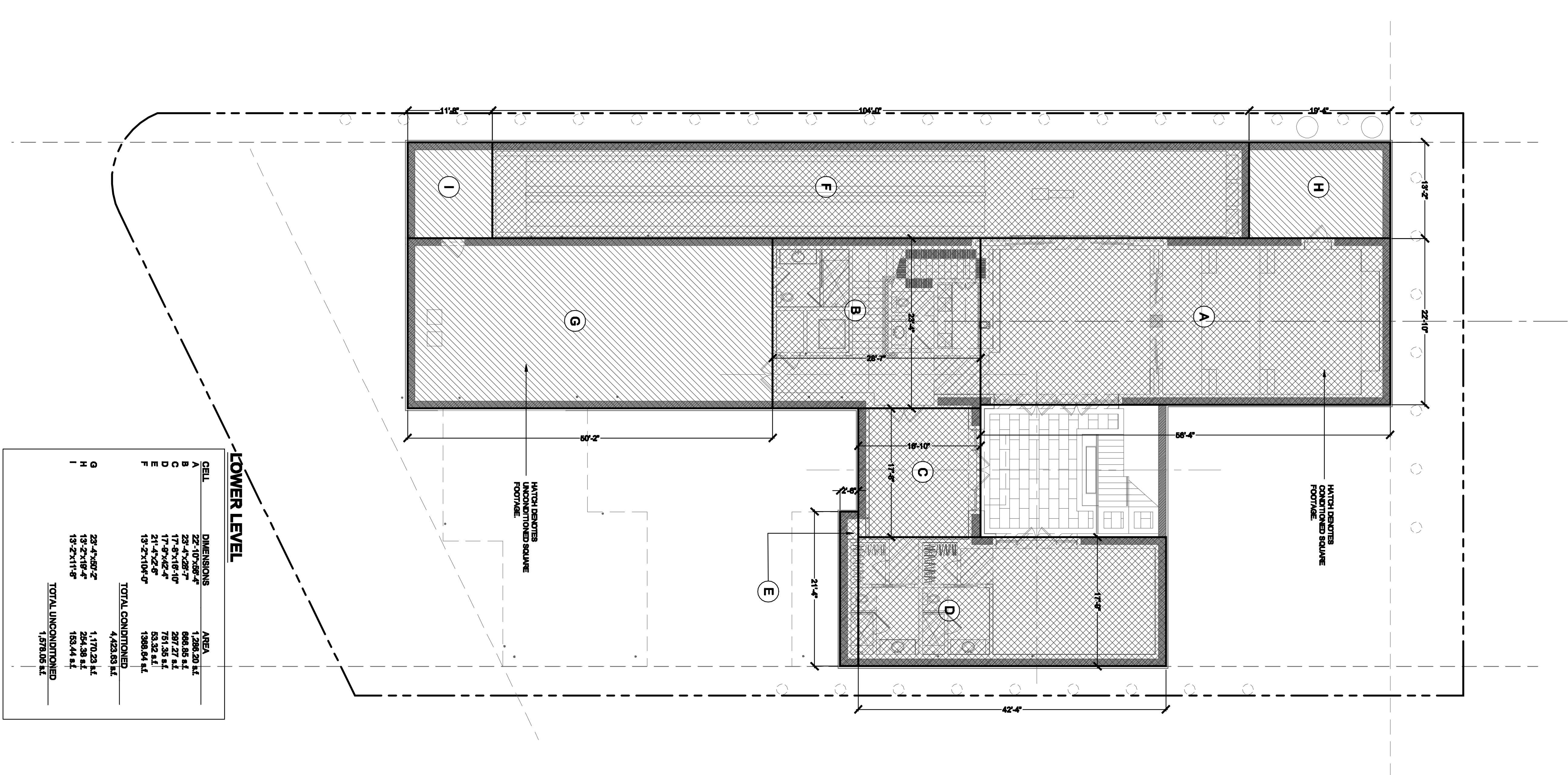


PRIVATE RESIDENCE
2812 OCEAN BLVD
CORONA DEL MAR, CA

SINCLAIR ASSOCIATES ARCHITECTS
A.I.A.
1007 BROOKTON AVE, STUDIO 210 | LOS ANGELES, CA 90024 | 310.624-9420 | FAX: 310.624-9430

SITE PLAN w/ENTRY LEVEL FLOOR PLAN

A1.0



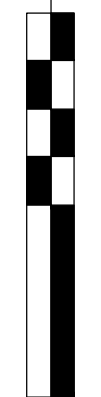
LOWER LEVEL FLOOR PLAN

ENTRY LEVEL FLOOR PLAN

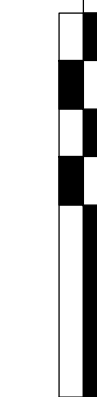
TOTAL SQUARE FOOTAGE	
ENTRY LEVEL - CONDITIONED SF	5,427.88 s.f.
ENTRY LEVEL - UNCONDITIONED SF (GARAGE/MECH)	824.19 s.f.
TOTAL GROUND LEVEL SF	
BASEMENT LEVEL - CONDITIONED SF	4,427.88 s.f.
BASEMENT LEVEL - UNCONDITIONED SF (MECH)	1,579.05 s.f.
TOTAL BASEMENT LEVEL SF	
	6,007.93 s.f.
TOTAL SQUARE FOOTAGE	11,955.73 s.f.

TOTAL ALLOWABLE SQUARE FOOTAGE	
TOTAL LOT AREA - SETBACKS X 1.5 = TOTAL ALLOWABLE SQUARE FOOTAGE	13,693.73 s.f.
LOT AREA (2908 x 2670) =	
LOT AREA - SETBACKS =	10,046.14 s.f.
LOT AREA - SETBACKS X 1.5 =	15,069.21 s.f.
TOTAL ALLOWABLE SQUARE FOOTAGE	16,699.21 s.f.

SIDE ELEVATION



FRONT STREET ELEVATION



ELEVATION NOTES

- (COMPLIES WITH USC REQUIREMENT FOR TEMPERED GLASS AT HAZARDOUS LOCATIONS), SEE WINDOW & DOOR SCHEDULE FOR MORE INFORMATION

GENERAL NOTES

- (COMPLIES WITH USC REQUIREMENT FOR TEMPERED GLASS AT HAZARDOUS LOCATIONS), SEE WINDOW & DOOR SCHEDULE FOR MORE INFORMATION

NOTES:

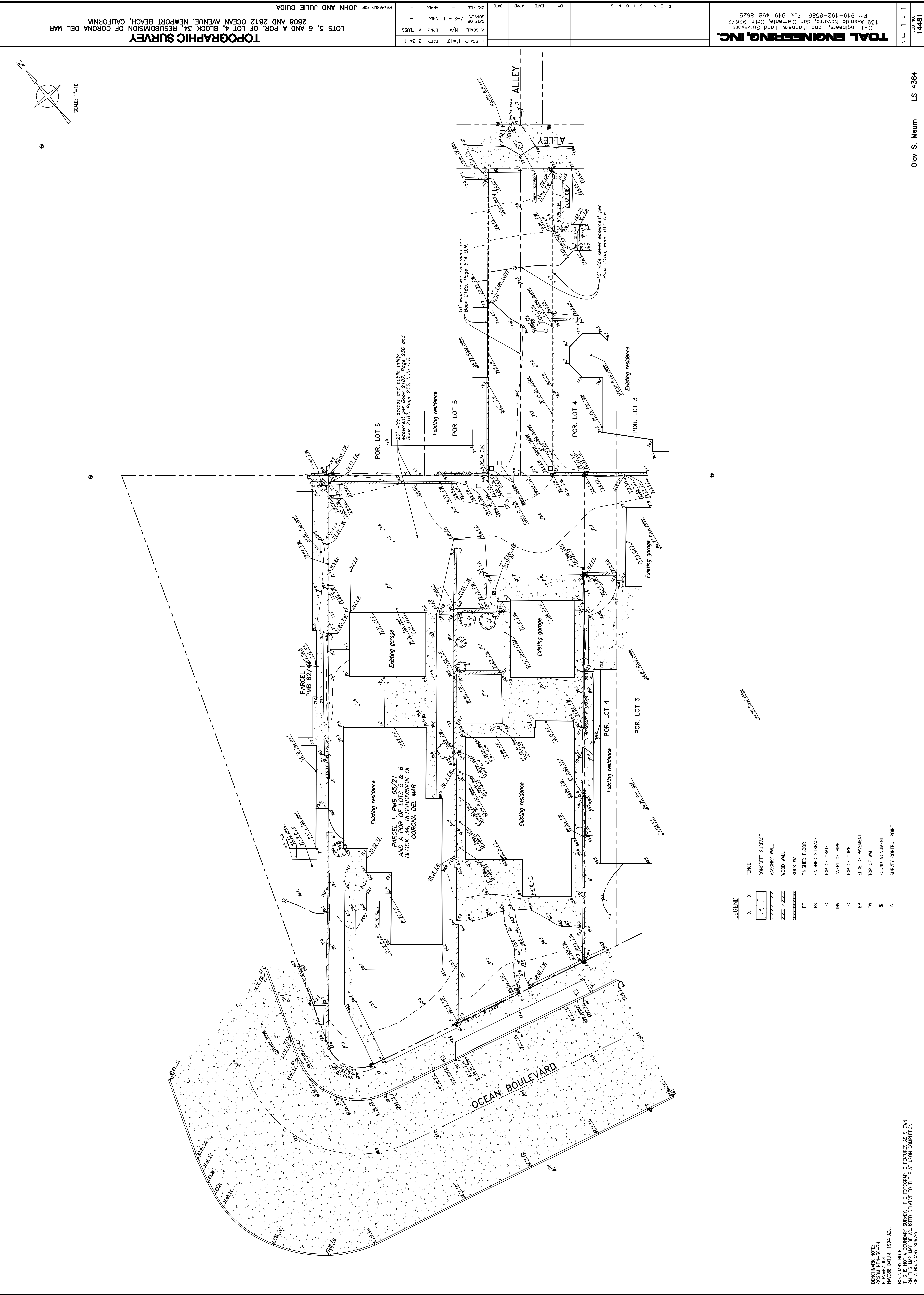
PREFRACES AND BONGS THAT ORIGINATE FROM THE EXTERIOR OF A RESIDENCE ARE NOT ALLOWED TO EXCEED A HEIGHT OF 24 FEET ABOVE THE 8.00 ELEVATION. IF A PREFACE OR BONGS WITHIN THE RESIDENCE, IT CAN ONLY BE AS TALL AS THE BUILDING DEPARTMENT REQUIRES FOR ABSOLUTE MINIMUM REQUIRED DRAW PLUMB. AN ADDITIONAL 3 FEET IN HEIGHT FOR CHIMNEY CAP AND SPARK ARRESTER. THE ZONING CODE, ALLOWANCE IS LIMITED TO 2 FEET IN WIDTH AND 4 FEET IN DEPTH AND 1 FOOT IN HEIGHT.

COLLIERKORBOODERS ARCHITECTS INC. OWNS THE COPYRIGHT OF THIS SET DRAWINGS UNPUBLISHED. NO TOTAL OR COMPLETE REPRODUCTION IN EITHER 2D OR 3D DIMENSIONAL FORM MAY BE MADE FOR ANY OF THESE PLANS, DETAILS AND SPECIFICATIONS WITHOUT PERMISSION TO THE COPYRIGHTED. ANY REUSE, REPRODUCTION, PUBLICATION, OR REUSE BY ANY METHOD IN WHICH OR WITHOUT THE ARCHITECT'S PERMISSION, SHALL BE PROHIBITED. ANY REUSE OF THESE PLANS AND SPECIFICATIONS WITHOUT THE ARCHITECT'S PERMISSION SHALL CONSTITUTE A VIOLATION OF THE ACCEPTANCE OF THESE PERMITTING.

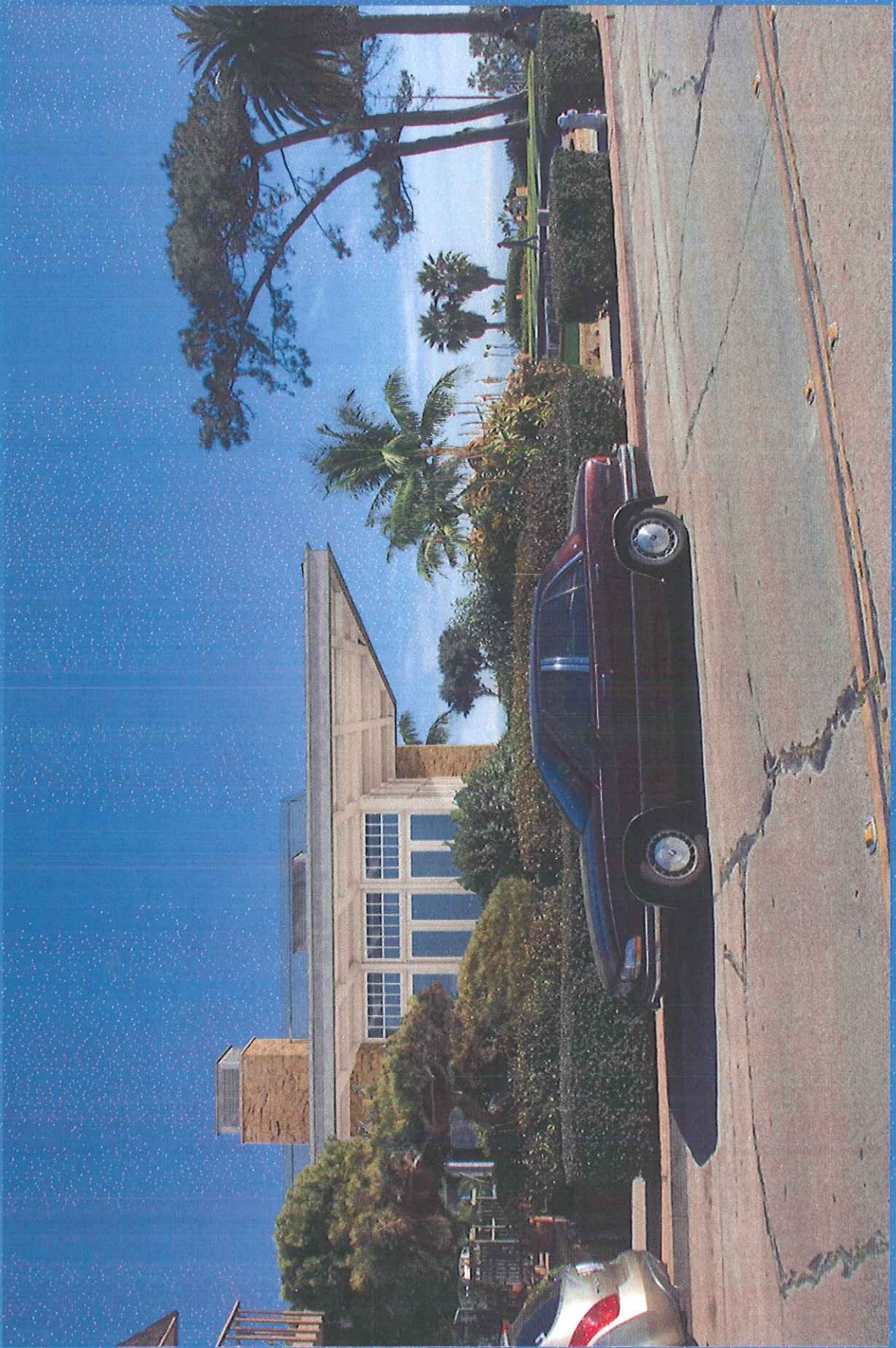
3

- PRIVATE RESIDENCE** **SINCLAIR ASSOCIATES ARCHITECTS**
A.I.A.
 2812 OCEAN BLVD
 CORONA DEL MAR, CA
 1007 BROXTON AVE. STUDIO 210 | LOS ANGELES, CA. 90024 | 310/ 824-9420 | FAX 310/824-9430











Attachment No. PC 7

Correspondence Received After
Publication of Staff Report

Lucinda Campbell

February 27, 2012

Dear Mayor Gardner & Members of the City Council,

I must begin by stating that my family and I believe that, as our elected representatives, you try your best to balance all that comes your way while protecting the citizens. I am definitely not one to write letters to grouse about things. With that said, Mr. Guida, unrestrained and without remorse, is doing real damage to my parents and their neighbors. At first, although I opposed this merger, I was willing to give him the benefit of the doubt. I believed his actions were innocent and due to inexperience. For one year, however, my parents have been plagued by and forced to deal with delays, misrepresentations, and his aversion to a covenant he knew existed when he purchased these lots. Now, his lack of respect for all involved (including the City Council) is quite evident and appears calculated. Ms. Coralee Newman, in our last meeting on December 7, 2011, referred to Mr. Guida as: *"Better the devil you know, than the devil you don't."* Should this be my parents or Corona Del Mar's only choice?

In clear and open defiance of the City Council, the pleadings of his elderly neighbors, and now Code enforcement, Mr. Guida continues his pattern of noncompliance and is once again ignoring a deadline. In this instance the deadline was given by Code Enforcement (*Title 20.30.040 - Height of Hedges and Bushes*) to maintain his property and trim the bushes between his two lots by **February 24th**. In a strange and questionable request to the Code enforcement officer, Mr. Guida asked for and was granted another extension so he could hire a specialist to trim these bushes. This, despite the fact that he already has, under his employ, a gardner to maintain the properties. His request is even more suspect because of his stated intent to remove them. **He has not complied with their order and is in violation of the code.**

By allowing the bushes to grow to almost 18 feet, Mr. Guida is trying to do with them what he has thus far failed to do with his house. As he has already openly disregarded the '60' year old covenant existing on his lots, he should not be trusted, now or in the future, to self impose any deed restrictions. This failure to abide by code enforcement, and your order to keep his properties maintained, is only his latest and most obvious attempt to harass his neighbors. These actions have now reached the level of persecution of my 85 year old parents and their elderly neighbors. They are being forced to suffer at his hand. The only possible reason for the delays and overgrown bushes is clearly the infliction of additional emotional harm on them in order to break their resolve. This is not a war or a game, people's lives and finances lie in the balance. So much for expediting matters in deference to the health of these seniors.....

As I mentioned in my last letter, he has asked for and received a *multitude* of extensions. By acquiescing to these delays, his attempt to include the City Council as a participant in his quest to build his "DREAM HOUSE" at any cost will become successful. **My parents have no more time!** They are frail and their health (which until Mr. Guida appeared was fine) is declining at a rapid pace. You cannot be made a party to this elder abuse any longer. His lots are clearly incompatible with the surrounding neighborhood. He has used up any goodwill or accommodation that has thus far been afforded him. His neighbors and the citizens of Corona Del Mar are overwhelmingly against this lot merger. The only champions he has are his well paid representatives.

Finally, as you may already know, his representative threatened to bury my parents under a mountain of legal fees. I'm afraid the words *'bury them'* were not just a metaphor. Mr. Guida has been indulged by all involved far too often. These families, your constituents, your good neighbors and friends, constitute the majority of residents of Corona Del Mar who would never even think of inflicting their unreasonable desires on others. This has reached a critical stage. The Campbells and the Silvas deserve far better. Mr Guida cannot be permitted to overwhelm them. **This has got to stop!**

With respect,

Lucy Campbell

Lucinda Campbell

Dear Mayor Gardner and Members of the City Council,

I am writing this letter to inform you of Mr. Guida's disregard for my parents, his elderly neighbors and the will of the community (who have made abundantly clear their opposition to overbuilding, mansionization and disproportionally oversized lots). Apparently, he now holds the City Council with the same disregard. His interpretation of your directive to "*expedite*" is suspect.

He has asked for and been granted his 3rd extension since the January 24th meeting. He has missed the deadline for 2/9, 2/24 and 3/8. The next scheduled meeting on 3/22 will be a full **2 months** since the Council Meeting. He has been given no time limit and the extensions are of such a nebulous nature that it appears to be a further delaying tactic by Mr. Guida in defiance of the City Council. Because of the ages of his neighbors, I fear that he is just waiting for their resolve to wane, the exhaustion of their resources, or their demise.

Mayor Gardner, members of the Council, what if this was occurring to your parents in the last stage of their lives? I am seeing the life being drained from my parents who have attempted to remain strong and have always treated Mr. Guida with respect. For the specious benefit of one man, many are being made to suffer.

It is important to note that the original date his appeal was filed was October 27, 2011. By law, it was to be heard by the City Council within **60 days** (*NBMC Sec. 20.95.060*). He signed and agreed to these terms in his application and now as is his nature he continues to ignore any urgency or restrictions that he deems fit.

This blatant disregard of my parents and their neighbors is shameful. Mr. Guida has in the past and continues now to thumb his nose at any one who opposes him. Through his lawyer, he has threatened from the start to bury his neighbors under a mountain of legal fees. He has now added delay after delay to his arsenal. My parents should not be made to pay with their health or, God forbid, their lives.

At Councilman Henn's urging, you made it quite clear that this process must be expedited in deference to the families involved. Now, I'm afraid that by ignoring your order to do so he is attempting to make you a party to his 'win at any cost' attitude. Additionally, in defiance of your directive to maintain his properties Mr. Guida has failed to trim the bushes in the side setback from the current height of approximately 18 feet to a reasonable height (*'Title 20.30.040'* - Rear and interior side setbacks 6 feet). When we asked Mr. Guida's attorney, at the meeting, he rudely refused and suggested we report them to Code enforcement. This continuing pattern of disregard and disrespect for my family has now expanded to include the will of the City Council.

You cannot condone or support this. The people of Corona Del Mar expect you to protect them, to listen to them, to fight for them. For the sake of 'one' rich man you cannot not allow yourselves to be put in a position to forsake the people who elected you. As stated in the Newport Beach General Plan regarding responsive government – **"Elected officials and city staff listen and respond to the interests of residents."**

The fact is that he has neither the support of the Planning Commission (which denied the merger) or the community at large. There is an important history and heritage to this city. Our local government has been entrusted with the solemn duty to protect and preserve the uniqueness of this cottage community, while at the same time shepherding it's orderly growth. The people of Corona Del Mar expect nothing less.

I implore you to put these delays to a stop. It is my hope that my parents will live to see that right does win over might and they as seniors, who have lived here for 70 years, will not be asked to just fade away. It is my fear, however, that all of these seniors will just be ignored. I believe that there is great wisdom in this quote from Ronald Reagan **"There are no easy answers' but there are simple answers. We must have the courage to do what we know is morally right."**

Thank You,

Lucinda Campbell



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
3300 NEWPORT BOULEVARD, BLDG. C
NEWPORT BEACH, CA 92658-8915
(949) 644-3237**

Memorandum

To: City Council
From: Kay Sims, Assistant Planner
Date: January 18, 2012
Cc: Dave Kiff, Dana Smith, Aaron Harp, Steve Badum & Kim Brandt
Re: 2808 and 2812 Ocean Boulevard Lot Merger Appeal (PA2011-141)

The appellant, Mr. John Guida, has provided the attached information and revised residential plans for your review in advance of the January 24, 2012 City Council meeting.

Please keep these documents for the January 24, 2012, meeting. Thank you.



RECEIVED BY
COMMUNITY

JAN 18 2012

DEVELOPMENT
CITY OF NEWPORT BEACH

January 12, 2012

Mayor Nancy Gardner &
Members of the Newport Beach City Council
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

**RE: Lot Merger No. LM2011-002- Appeal of the Planning Commission 10/20/11 Action
2808 & 2812 Ocean Blvd.
The John Guida Trust and The Julie Guida Trust**

Dear Mayor Gardner & Fellow Members of the Newport Beach City Council:

On behalf of the John & Julie Guida Trust(s), we are requesting the City Council's approval of the Lot Merger for the properties located at 2808 & 2812 Ocean Boulevard in Corona del Mar. As you are aware, while the Zoning Administrator approved this Lot Merger on September 14, 2011, the item was appealed by the adjacent residents to the Planning Commission on October 20, 2011. The Planning Commission denied the Zoning Administrator's approval on a set of Findings which we believe were not appropriate and based on inaccurate assumptions. We are therefore requesting, with our appeal of the Planning Commission's action, that you approve the Lot Merger.

While technically a Lot Merger is not based on the home that may be built on the merged lots, the appeal that went forward to the Planning Commission, was essentially based on the Guida's residence being "too tall". The resident's claimed the proposed home violates 1951 Joint Tenancy Grant Deed which stipulates a "one-story home(s)" be built on the properties in question. Their stated appeal was based however on the "health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood".

Given the Silva's (2821 Ocean Lane) and Campbell's (2811 Ocean Lane) concerns, and given that Mr. and Mrs. Guida have purchased these lots to build their personal residence, they have attempted to resolve, to the best of their abilities, the Silva's and Campbell's stated concerns regarding the home being one-story. (These two residences are parties to the 1951 Joint Tenancy Grant Deed.)

The Guidas believe that their proposed home meets the terms of the Grant Deed, and in fact is a one-story home. However, in an attempt to resolve the Campbell's/Silva's concerns, they have redesigned their home several times to lower the roof line. They have also removed the rear roof deck and removed the associated solid guardrail and eliminated the interior stairs and the elevator to the roof.

We have attached the plans of this proposed home as evidence of the Guidas continued good faith effort to appease their neighbors' concerns. These plans were also given the Silvas and Campbells on January 12, 2012, via their attorney, per their request.

It should be noted that the proposed home meets all of the city's zoning, planning, and building standards and is in full compliance with all the city requirements.

As noted above, we support and agree with the Zoning Administrator's findings that were made in approval of the Lot Merger. For the Council's reference, we've listed selected findings of the Zoning Administrator's September 14, 2011 approval:

B. Finding: Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.

Selected Facts in Support of the Finding:

B-1. The future development on the proposed parcel will comply with the Zoning Code development standards.

B-2. The proposed merger will not cause future development to impact public views of the ocean as no public view presently exists.

B-3. The project site described in the proposal consists of the legal building sites.

D. Finding: The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other relations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

Selected Facts in Support of the Finding:

D-1. The previously existing single-unit dwellings located on the subject sites will be demolished and the proposed lot would be redevelopment with a new single-unit dwelling. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. Each of the two existing lots meet the minimum lot area required, but do not meet the minimum lot width required (50 feet). The proposed merger of the lots would create one lot which would comply with the minimum lot width and lot area standards of the Zoning Code.

F. Finding: The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

F-1. Corona del Mar consists of lots of varying shapes and sizes. The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13,678 square feet. Other nearby lots on Ocean Boulevard have lot widths as wide as 73 feet and area as large as 13,325 square feet. The merger of the two lots will not create an excessively large lot in comparison to many of the existing lots in the surrounding area.

F-2. Development with the R-1 Zoning District can have a maximum floor area 1.5 times the buildable area of the lot. The proposed parcel will not be developed beyond this maximum square footage, and will be developed consistent with the surrounding development.

In conclusion, we believe it is important to note that the Planning Commission came to their conclusions by a narrow view of the term "neighborhood". And, made their findings based on the single block where these properties are located - Block 34. (Planning Commission Finding A-1) We agree with staff's interpretation of the term "neighborhood" as meaning the general vicinity and not a single Block where a property maybe located.

We believe the proposed Lot Merger meets all required findings and request the City Council's approval.

Sincerely,



Coralee S. Newman
Applicant's Representative
& Principal – Government Solutions, Inc.

CC: Kay Sims, Assistant Planner



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COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
3300 NEWPORT BOULEVARD, BLDG. C
NEWPORT BEACH, CA 92658-8915
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Memorandum

To: City Council
From: Kay Sims, Assistant Planner
Date: January 18, 2012
Cc: Dave Kiff, Dana Smith, Aaron Harp, Steve Badum & Kim Brandt
Re: 2808 and 2812 Ocean Boulevard Lot Merger Appeal (PA2011-141)

The attached information was received from Mr. Clifford Jones and neighbors opposed to the approval of the subject lot merger. At their request, the information is being provided for your review prior to the January 24, 2012 City Council meeting.

Please keep these documents for the January 24, 2012, meeting. Thank you.

... STOP ...
THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
(SUPPORT RESOLUTION NO. 1857)

RECEIVED BY

COMMUNITY

JAN 17 2012

DEVELOPMENT
CITY OF NEWPORT BEACH

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING' LOT MERGER OF PROPERTIES LOCATED AT • 2808 & 2812 OCEAN BOULEVARD • (PA2011-141)

REQUIRED FINDINGS FOR DENIAL (Ch.19.68) :

A-1 The lot merger would allow development that is *incompatible* with the size and mass of structures on neighboring properties within Block 34. The *removal* of the interior lot line would eliminate the interior side setback (three feet) on each property, create a buildable area greater than currently exists on the two separate lots, and eliminate the open space that the interior side setbacks currently provide.

B-1 The lot merger would create a lot size and configuration, which is *inconsistent* with the development pattern of the subject properties and surrounding lots within Block 34.

C-1 Approval of the merger will be *detrimental* to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.

- *The conservation of open space in the City;*
- *The protection of landowners, lot purchasers and surrounding residents;*
- *The provision of orderly and controlled growth within the City;*
- *The protection and stabilization of property values;*

RESPONSIVE GOVERNMENT :

Elected officials and City staff listen and respond to the interests of residents.

**The undersigned ask to the Newport Beach City Council
to support the Planning Commission decision & deny the appeal for the lot merger:**



**BLOCK #34 UNANIMOUSLY
OPPOSES LOT MERGER**

● - RED DOTS : SIGNED PETITION



• OLD CORONA DEL MAR •



• NEW CORONA DEL MAR •
(13,500 SQ.FT. LOTS)



“ A New Corona Del Mar? ”

Let me begin by stating that everyone supports orderly growth through revitalization and the merging of lots to create lots that are consistent with the General Plan (which stresses maintaining the character of its particular neighborhoods and villages). The 2 lots in this proposed merger at **6500 and 7500 sq.ft.** are already larger than any of the lots in **Block 34**. In fact, they are larger than over 93% of Old Corona Del Mar. In gathering signatures, the opposition to this merger was virtually unanimous.

Old Corona Del Mar cannot possibly sustain the assemblage and merging of lots totaling 13,500 sq.ft. This village was never intended to be a community of lots that are that 3 to 4 times larger than the average lot size today. No City Council, Mayor, Planning Commissioner in its history would ever have thought to propose such a plan. The village atmosphere and charm of “Old Corona del Mar” has been and continues to be one of the reasons we are such a desirable and vibrant neighborhood in Newport Beach. If this merger is approved, we begin down a road that has no return. There are no do overs or mulligans when it involves the protection of the residents of Corona Del Mar and their community.

In April 2010 the Corona Del Mar Residents Association under the direction of Karen Tringali, took a survey of all 6,350 residential households in Corona del Mar (Zip 92625) regarding how the members of the community felt about saving and preserving the 1.5 FAR. The results were virtually unanimous. Over 88% of survey respondents wanted to maintain the character and village atmosphere in the Flower Streets, and didn't believe that could be achieved if the floor area ratio was increased any larger than 1.5. Based on the number of respondents and the overwhelming majority opinion, it was determined that between 78%-98% of all Corona del Mar residents would have responded the same way. During that General Plan hearing, time and again residents stated their desire to: “Maintain the charm of our neighborhoods” and “Reign in the “mansionization” of our community”.

This village started with small beach cottages and evolved into a community of three and four bedroom homes of 3,500 sq.ft. The fear at that time was that if FAR was increased we could become a community with five and six bedroom homes of 4,000 to 6,300 sq.ft. with underground facilities roof decks and parking.

*It must certainly follow that if elimination of the 1.5 FAR contradicted this philosophy for CdM, the assemblage of 13,500 sq.ft. lots **obliterates** what has always been the general plan for Corona Del Mar.*

The predominant lot size in CdM is 3,600 sq. ft. With the average lot being about between 4000 – 5000 sq.ft., allowing merged lots of 13,500 sq.ft. (more than 3 fold larger) could, in the future, potentially reduce the number of households by 66%. Creating a “**New Corona Del Mar**” consisting not of 6,000 households, but instead 2,000 enormous mansions.

The community is more than alarmed that allowing the assemblage of 13,500 sq.ft. lots will have a devastating and irreversible impact in the future. The precedent set by allowing this merger will set this village on the road from which there is no turning back. Designers, architects and home owners will design and build directly to the maximum limit, which in this “**New Corona Del Mar**” would be houses that have a floor area of 14,300 sq.ft.

The original lot sizes and setbacks were designed to encourage developments of a certain type and size and to discourage overbuilding. One of a kind modifications destroy the intent of the 1.5 FAR limit in the Newport City code as it relates to Corona Del Mar. The citizens of this city fought hard to maintain a smaller village that makes us what we are and what we always have been. On the Newport Beach website, Wikipedia and in Orange County publications CdM is described as a quaint picturesque village filled with charming houses, small streets and well tended neighborhoods. You, the City Council have the opportunity to represent the opinion and the will of the citizens of Corona Del Mar, and oppose the more than tripling of the average lot size through this merger. It would render the 1.5 FAR meaningless and ineffective in the future. As stated in the Newport Beach General Plan: Responsive Government “Elected officials and city staff listen and respond to the interests of residents.”

20 Reasons To Deny The Lot Merger

1. Approval of the merger will, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is inconsistent with the legislative intent of this title.
2. The lots as merged will not be consistent with the surrounding pattern of development and will create an excessively large lot that is not compatible with the surrounding development. The lot merger would create a lot size and configuration, which is inconsistent with the development pattern of the subject properties and surrounding lots within Block 34.
3. The lot merger would allow development that is incompatible with the size and mass of structures on neighboring properties within Block 34 and create a buildable area greater than currently exists on the two separate lots.
4. Conservation of open space: The removal of the interior lot line would eliminate the open space of the interior side setback (three feet) on each property thus eliminating the open view corridor that they currently provide.
5. Proposals shall be reasonably compatible with the existing neighborhood character in terms of scale of development. Designs should minimize the appearance of over building substantially in excess of existing structures. The height of the structures should maintain to the extent practicable, some consistency with the height of neighboring properties. Designs should consider, to the extent practicable, neighbors' existing views. Referencing the fact that the intended structure is a single story house (with 3 separate levels) that includes a 3 story elevator with a 13 foot housing on the roof would be inconsistent with the pattern of development in the area.
6. Residents testified that the lot development pattern was an important component in the character of their neighborhood and that the proposed lot merger would negatively impact that character. As a result of the change in development pattern attributable to the proposed lot merger, the character of the neighborhood would be altered would be detrimental to the health, safety, peace, comfort, and general welfare of the community.
7. Approval of this proposed lot merger would set a poor precedent for future requests that if approved, would detract from the consistent form, scale and character of the neighborhood as established by the original subdivision design.
8. The proposed lot line adjustment is not consistent with the legislative intent of Title 19 (Subdivision Code) of the Newport Beach Municipal Code which is in part to implement the General Plan
9. The protection of landowners, lot purchasers and surrounding residents;
10. The provision of orderly and controlled growth within the City;
11. The protection and stabilization of property values;
12. The preservation of the public health, safety and general welfare
13. Planning Commission & City Council must consider height restrictions and deed restrictions California zoning commission re: Enabling act
14. Newport Beach tax base will be lowered from the devastating effect to adjoining properties value
15. The merger would have the effect of continuing to divide CDM into a 2 tier city. A street lined wall to wall with huge houses on Ocean Blvd and the rest of Old Corona Del Mar. Now relegated to looking out upon the rear of these massive structures.
16. Legislative intent of Title 20.10.040 (essentially an anti McMansion ordinance) which limits building to 1.5 x buildable area of lots would be made ineffective by such mergers. Lots could then be combined enabling the construction of larger "blocky" houses and the elimination of open view corridors provided by side setbacks. 20.10.040 Special Development Regulations for Corona del

Mar, West Newport, and the Balboa Peninsula 1. In the R-1, R-2, and MFR Districts in the area designated as Old Corona del Mar, the total gross floor area (excluding those structures excepted under Section 20.10.030) shall not exceed 1.5 times the buildable area of the site.

17. Title 20.10.010 - Ensures adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
18. The proposed lot widths are not consistent with the intent of the original tract map. The proposed lot sizes are not compatible with the surrounding area and are substantially larger by more than fivefold than the lots of the original subdivision (30 x 89.62 ft. lots or 2,529 sq. ft.) when the Corona del Mar Tract including Block 34 was established. The lots created will result in nonconforming conditions with respect to side setbacks as well.
19. The proposed lot merger would result in a single lot that is approximately 80 feet in width and twice the size of the predominant lots of the immediate neighborhood, especially those lots located in Block 34. Development of the proposed lot would create a single residence based upon an 80-foot wide lot that would be over twice the width of homes on neighboring lots and would be inconsistent with the form, scale and character of the neighborhood. The lot and resulting development would significantly alter the way in which the lot is viewed from the street and no other lots of development pursuant to it would compare.
20. Lastly and most importantly the covenant pertaining to view and the potential loss of the easement as it relates to Mr. Guida will prevail in the courts. (*King v. Kugler* (1961) 197 Cal.App.2d 651, 655)

DOMINO EFFECT: The cumulative adverse impacts associated with allowing this development is also a concern. Many of the homes that exist in the immediate vicinity are older and likely to be redeveloped. If this site were allowed to be developed in the proposed manner, matching proposals on adjacent and nearby lots would likely follow. Such proposals would have a significant adverse cumulative impact on the surrounding neighborhood and community character. Result could be 3 giant houses spanning across each block up and down Ocean Blvd. with side setbacks cut in half.

CONCLUSION: The applicant (Mr. Guida) has not identified any valid error of fact or law that could have altered the Planning Commission's decision to deny the merger. In addition, none of the applicants arguments here are new. Mr. Guida has not presented any relevant new evidence which was not presented at the previous hearing on the matter on October 2011. The Commission already considered his arguments, and rejected them.

The Commission found that the lot merger would allow development that is incompatible with the size and mass of structures on neighboring properties within Block 34. The removal of the interior lot line would eliminate the interior side setback (three feet) on each property, create a buildable area greater than currently exists on the two separate lots, and eliminate the open space that the interior side setbacks currently provide. The result would be detrimental to the health, safety, peace, comfort and general welfare of persons residing in the neighborhood.

The lot merger would create a lot size and configuration, which is inconsistent with the development pattern of the subject properties and surrounding lots within Block 34.

Mr. Guida's conclusion that his proposal is similar to others nearby is false, thus, his premise that his project wouldn't contribute to significant adverse cumulative impacts is also false.

The basis of the request for reconsideration shall be either that there is relevant new evidence which was not presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission's initial decision. As neither of these was borne out, consequently, there should no basis for his appeal and his request for reconsideration should therefore be denied.

Lots As Merged
Incompatible With
Surrounding Neighborhood



• COMPARATIVE LOT SIZE •

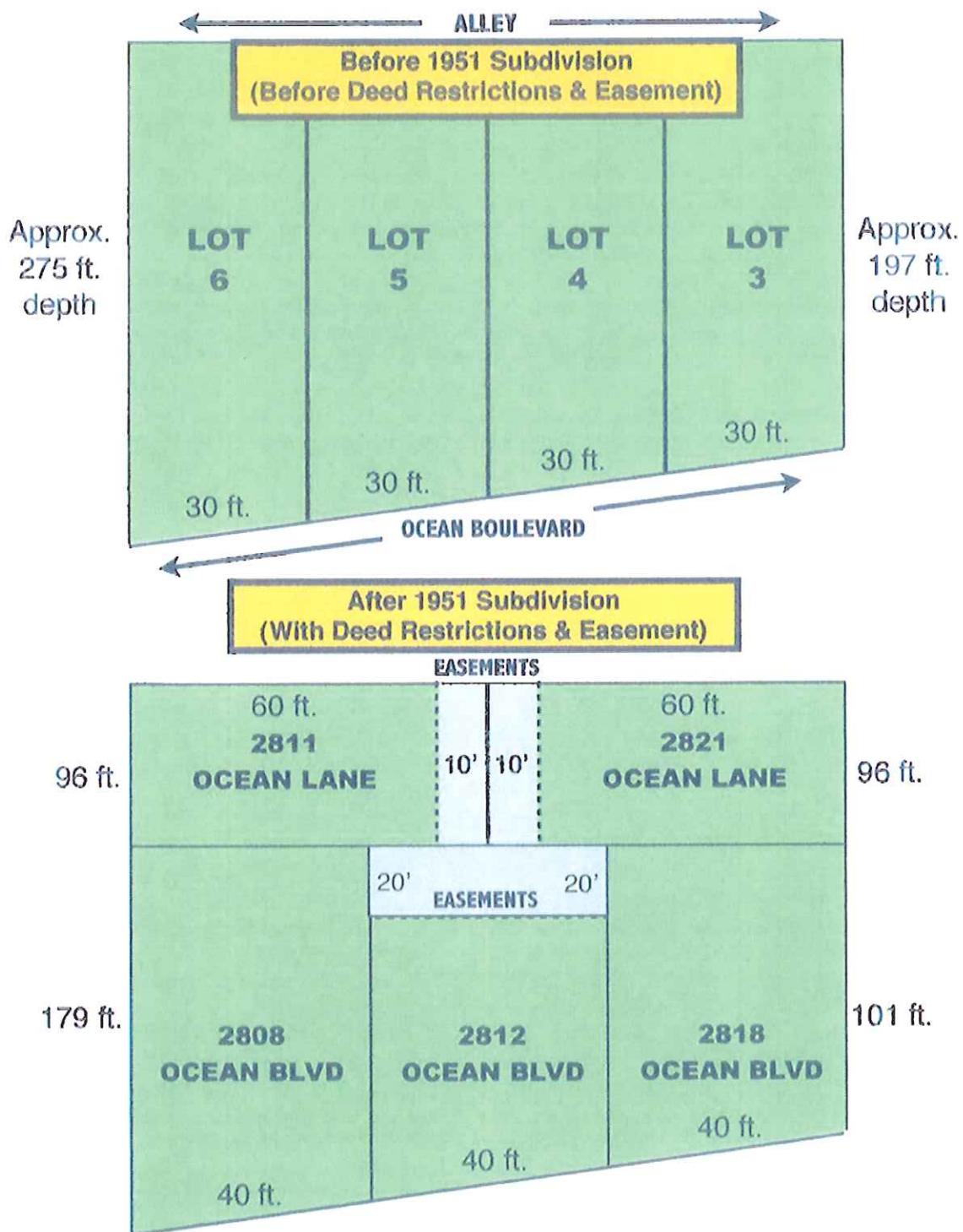
Table 1: Project Characteristics

Property	Total Area (approximately)	Width (at widest point)
R-1 Zoning District Interior Lot Standards:	5,000 sq. ft.	50 feet
2808 Ocean Boulevard	7,217 sq. ft.	40 feet
2812 Ocean Boulevard	6,483 sq. ft.	40 feet
Proposed Merged Lot	13,699.58 sq. ft.	80 feet
Comparable Properties Adjacent to Ocean Boulevard		
2900 Ocean Boulevard	13,326 sq. ft.	66 feet
2908 Ocean Boulevard	10,049 sq. ft.	78 feet
3222 Ocean Boulevard	14,579 sq. ft.	111 feet

3 properties were used as evidence of comparable lot sizes. But none are in Block 34. As you can see there is a sharp drop off after the first three 14,579, 13,699, 13,326 and then a drop of 3,277 sq.ft to 10,049. His merged lot would be second largest in Old Corona Del Mar. They are in in no way compatible or consistent to other properties in the surrounding neighborhood. In fact these lots are anomalies and they were merged prior to the Lot Merger Amendment (2009-30) which came into effect in 2009



1951 Re-Subdivision of Lots (3,4,5,6 • Block #34)



- This 1951 Subdivision Divided 4 (30') Lots Into 5 Lots.
- As A Result 3 Deed Restrictions Relating To View Were Adopted.
- Consequently 8 Easements Were Put In Place (*Quid Pro Quo*).
- Lots Are Integrally Connected • Any Change To One Affects All.

Lot Merger vs. Lot Line Adjustment

• Post 2009 (Ordinance 2009 – 30) •

19.04.020 Purpose

1. The creation of subdivisions which are consistent with and serve to implement the policies and provisions of the General Plan;
2. The conservation of open space in the City;
3. The protection of landowners, lot purchasers and surrounding residents;
4. The provision of orderly and controlled growth within the City;
5. The provision of adequate traffic circulation, utilities and other services;
6. The protection and stabilization of property values; and
7. The preservation of the public health, safety and general welfare.

Lot Line Adjustment

An application for a Lot Line Adjustment may be accepted when it can be determined that the proposal complies with the following specifications: (Chapter 19.76)

1. Approval of the Lot Line Adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of this title.

2. The number of parcels resulting from the Lot Line Adjustment remains the same as before the Lot Line Adjustment.

3. The Lot Line Adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a Lot Line Adjustment so long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.

4. Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.

5. That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the Lot Line Adjustment.

6. That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council, in approving the zone change application, shall determine that the street side setbacks are appropriate and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.

Lot Merger

An application for a Lot Merger may be accepted when it can be determined that the proposal complies with the following specifications: (Chapter 19.68)

1. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.

2. The lots to be merged are under common fee ownership at the time of the merger.

3. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

4. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

5. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.



• Pre – 2009 •
Lot Merger vs. Lot Line Adjustment
(Ordinance 2001 – 18)

19.04.020 Purpose

1. The creation of subdivisions which are consistent with and serve to implement the policies and provisions of the General Plan;
2. The conservation of open space in the City;
3. The protection of landowners, lot purchasers and surrounding residents;
4. The provision of orderly and controlled growth within the City;
5. The provision of adequate traffic circulation, utilities and other services;
6. The protection and stabilization of property values; and
7. The preservation of the public health, safety and general welfare.

Lot Line Adjustment

An application for a Lot Line Adjustment may be accepted when it can be determined that the proposal complies with the following specifications: (Chapter 19.76)

General Findings. In approving a lot line adjustment through a modification permit, the Modifications Committee shall find that the establishment, maintenance or operation of the use of the property or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed modification is consistent with the legislative intent of this Subdivision Code.

1. The project site described in the proposal consists of legal building sites;
2. Any land taken from one parcel will be added to an adjacent parcel and no additional parcels will result from the lot line adjustment;
3. The parcels proposed to be created by the lot line adjustment comply with all applicable zoning regulations and there will be no change in the land use, density, or intensity on the property;

Lot Merger

An application for a Lot Merger may be accepted when it can be determined that the proposal complies with the following specifications: (Chapter 19.68)

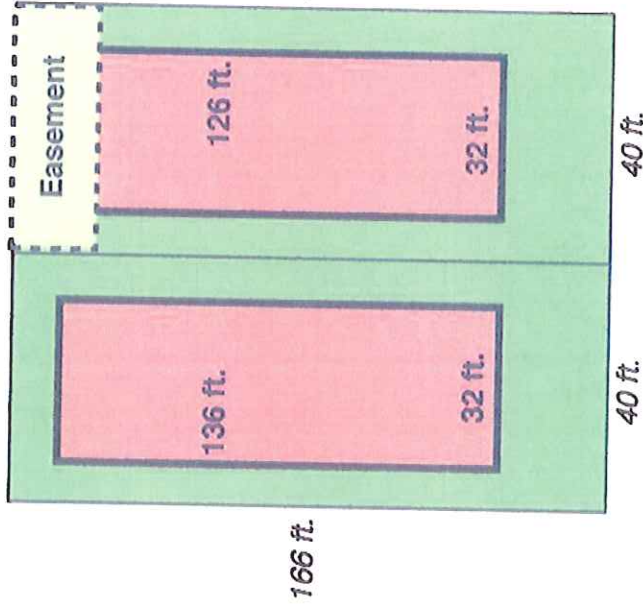
1. The lots to be merged are under common ownership at the time of the merger.
2. The lots as merged will be consistent with or will be more closely compatible with the applicable zone district regulations and other regulations relating to the subject property.
3. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger



CORONA DEL MAR

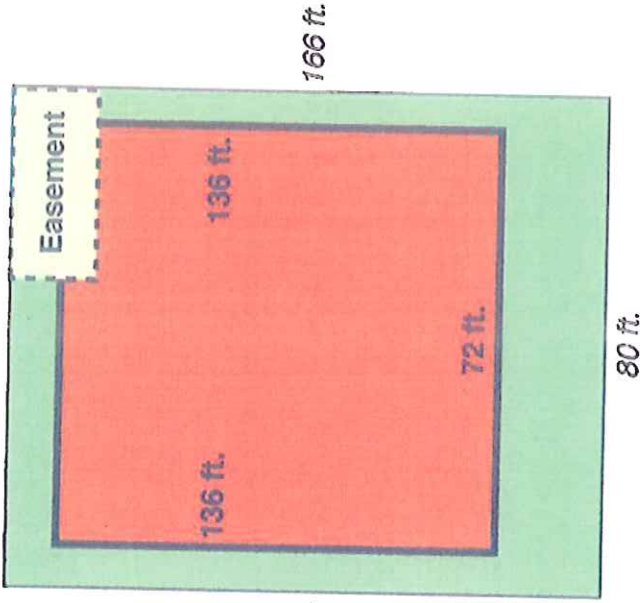
1.5 FAR

(Floor Area Ratio)



2808 (Ocean) 32' x 136' = 4,352
 2812 (Ocean) 32' x 126' = 4,032
 8,384 sq. ft.
 $8,384 \times 1.5 = 12,576 \text{ sq. ft.}$

12,576 sq. ft. (Total)



$72' \times 136' = 9,792 \text{ sq. ft.}$
 Easement $26' \times 10' = 260$
 $9,532 \text{ sq. ft.}$
 $9,532 \times 1.5 = 14,298$

14,298 sq. ft. (Total)

- Represents a loss of nearly '2000' sq. ft. of open space & view corridor

13.6% Larger

"if FAR is carelessly combined with traditional setbacks, assembled or merged lots have a considerable advantage over individual lots, which has a negative effect on fine grained cities and the diversity of ownership."

King v. Kugler [197 Cal. App. 2d 651]

As you requested, here is relevant case law relating to CC&R's, and your deed covenant in particular. The cases cited directly relate to your current situation. It is also more than relevant in that the first one was a CA appellate court case "[Citation.]" (King v. Kugler (1961) 197 Cal.App.2d 651, 655.)" that affirmed the prior courts ruling as to "intent" of height restrictions and one story residence. **This case has been cited in dozens of cases (including those indicated below) which all support your assertion that these restrictive covenants (Campbell & Silva; et al; v. Guida), as to the lots in question, are not vague and need to be enforced as to their intent. In addition, a court may imply a term missing from the contract "only when it is necessary to prevent injustice and it is abundantly clear that the parties intended to be bound by such term."**

[1] "Although the instrument does not expressly declare the intent of the grantor to preserve the view of lot owners, it is obvious from the language used, the topography and the [197 Cal. App. 2d 655] finished ground elevations of the tract and the general physical appearance of the land and the existing structures thereon, that the purpose of the height restriction in the plan is to protect the lot owner's view from one elevation to another. [2] Contrary to appellant's claim, we see nothing vague, ambiguous or uncertain in the meaning of the restrictive phrase "one story in height," or as to what was intended thereby. It does not appear, nor have appellants contended, that the words have a technical, special or peculiar meaning; they merely argue that to control the height the grantor "should" have inserted a limit in feet and inches or other language from which the intended maximum height could have been inferred exactly. **Therefore, the phrase is to be interpreted in its ordinary and popular sense rather than according to some strict legal or technical meaning.** " 'This ordinary and popular sense is to be related to the circumstances under which the words are used, having in mind the purpose of the contract and the general situation which brought it into existence' (12 Cal.Jur.2d 353-354.)" (Harrison v. Frye, 148 Cal. App. 2d 626, 628 [307 P.2d 76].)" [3] The document expressly declares that the restrictions and conditions contained therein shall **"run with the land and shall be binding on all parties"**, apply to all lots in the tract and be mutually enforceable, reflecting a specific intent to create enforceable restrictions. (Gamble v. Fierman, 82 Cal.App. 180 [255 P. 269]; Martin v. Holm, 197 Cal. 733 [242 P. 718].) That the restrictions and conditions contained in the declaration of record apply, as therein provided, to all lots in the tract and were expressly carried into the deeds, is found in the language of each deed wherein the conveyance is specifically made subject to "covenants, conditions, restrictions, reservations, easements, rights and rights of way of record." (Smith v. Rasqui, 176 Cal. App. 2d 514 [1 Cal.Rptr. 478].)

The trial court's reliance on the Webster's Dictionary definition constitutes an acceptable manner of ascertaining the ordinary and popular usage of words in the English language. "The same rules that apply to interpretation of contracts apply to the interpretation of CC&R's. "[W]e must independently interpret the provisions of the document. . . . It is a general rule that restrictive covenants are construed strictly against the person seeking to enforce them, and any doubt will be resolved in favor of the free use of land. But it is also true that the **"intent of the parties and the object of the deed or restriction should govern, giving the instrument a just and fair interpretation."**" [Citation.]" (Chee v. Amanda Goldt Property Management (2006) 143 Cal.App.4th 1360, 1377.)

"[Citation]" [Citation]" [Citation]" [Citation]"

1. King v. Kugler (1961) 197 Cal.App.2d 651, 655.
2. ZABRUCKY v. McAdams, Cal: Court of Appeals, 2nd Appellate Dist., 7th Div. 2008
3. Cal.App. 4 Dist., 2009. Monarch Point Homeowners Ass'n v. Ardili, Not Reported in Cal.Rptr.3d, 2009 WL 1838286 (Cal.App. 4 Dist.)
4. Seligman v. Tucker (1970) 6 Cal. App. 3d 691 [86 Cal.Rptr. 187]

COVENANTS

"Much of the value of any property within [a coastline development with an ocean view] depends on the quality of the view. To significantly obstruct any homeowner's view of the Pacific Ocean is to depreciate the economic worth of their property-often by several hundred thousand dollars-as well as dramatically reduce their enjoyment of the home they bought and live in."

- *In Fox v. CORNICHE SUR MER HOMEOWNERS ASSOCIATION, 2008*

The drafters of the original covenant that have always applied to Mr. Guida's lots were not being vague, they had no special affinity to 1 story housing, their intent was clearly to protect the ocean views for the benefit of each lot of this parcel. The ruling case on point (*King v. Kugler*), has been cited in dozens of cases which all support our assertion that these restrictive covenants, as to the lots in question, are not vague and will be enforced as to their intent. In addition, a court may imply a term missing from the contract "only when it is necessary to prevent injustice and it is abundantly clear that the parties intended to be bound by such term."

"When the issue turns on the meaning of a phrase employed in CC&R's, 'the phrase is to be interpreted in its ordinary and popular sense rather than according to some strict legal or technical meaning. This ordinary and popular sense is to be related to the circumstances under which the words are used, having in mind the purpose of the contract and the general situation which brought it into existence.' A court may imply a term missing from the contract 'only when it is necessary to prevent injustice and it is abundantly clear that the parties intended to be bound by such term.'"

- *in King v. Kugler (1961) 197 Cal.App.2d 651*

Legal Effect of Covenants

When properly recorded on a deed conveying land, a covenant ("restrictive deed covenant") has the legal effect of a binding contract term, and may be so enforced. When covenants are instead signed privately among neighbors, as in a mutual compact or agreement, they are still binding upon the signatories and may be litigated if breached. Neighborhoods that follow their covenants and standards tend to be safer, look better, maintain better relationships with local governments, and better retain or increase the investments that homeowners have made in their properties. Because covenants are voluntary, they may be more restrictive than zoning ordinances.

Advice for Home Buyers

Many home buyers are so charmed by the appearance of a house for sale that they fail to take the time to read the CC&Rs that come with the property. They are so pleased with a property that they sign a purchase agreement without realizing that existing CC&Rs may prevent them from keeping their boat or truck on the property, or erecting a basketball hoop in the driveway or building a McMansion. No real estate contract should be signed until a purchaser has reviewed all the CC&Rs (and zoning laws) affecting the property and is able to abide by them.

In a nutshell, deed restrictions can place more stringent limits on a piece of land but cannot loosen restrictions imposed by zoning [private cannot countermand government], but . CC&Rs are binding upon the purchaser, and the purchaser will become subject to them, whether or not they have been reviewed, read, or understood.

However, remember that deed restrictions must be considered even if the City is not authorized to enforce them.

EASEMENT EXTINGUISHMENT

Appeal of Lot Merger (PA2011-141)
2808 and 2812 Ocean Boulevard
Lot Merger No. LM2011-002

1. Please be advised, that in the event Mr. Guida gains permission from the Planning Commission and/or City Counsel to merge his properties and build as he now intends, this case will end up in court, where besides strict enforcement of the covenant as to height, we will seek to extinguish the access to the rear of his property that he now enjoys. I think a close reading of the easement, contained in the covenant, will show that Mr. Guida is not a direct beneficiary, so closing it off to him will be a low hurdle to clear.
2. The courts, as demonstrated by the citations submitted herewith, have consistently, upheld covenants in deeds, particularly where, as here, they have a stated goal. In this case, the building restriction of one story, is plainly and unambiguously stated. Next, the easement is also plainly and clearly stated, and is clearly limited in its scope and intent, to wit, to allow the municipality ingress & egress, to install and service utility lines, and to allow the residents of the Guida properties to place their garbage at the site designated by the City for pick up.

The Campbells and the Silvas will enforce the limits of the easement should the Guidas seek to violate the height restrictions of the covenant.

1. The easement is for the benefit of the city and Mr. Guida is not a direct beneficiary. It does not impede access to his property. It was specifically for the benefit of his assignors.
2. He can't claim adverse possession because the Campbell & Silva families know he is using the driveway. He is using it with their permission. Mr. Guida also knows that he has their permission.
3. This is a unilateral accommodation which can be withdrawn by the Campbell's and Silva's at any time.
4. At best, Mr. Guida has an equitable interest which can only be enforced if he has clean hands.
5. By breaking the deed covenant as to the height restriction, Mr. Guida no longer has clean hands and the court should extinguish his access to the 96 foot road that runs through the property of the Campbell's and Silva's.

Enclosed please find the citation which stands for the above proposition.

"[Citation]"

Russell v. Palos Verdes Properties [218 Cal. App. 2d 754]

• PUBLIC & PRIVATE • LOSS OF VIEWS



VIEW FROM BAYVIEW DRIVE





Defending Private Property Rights:

- *Private property rights are increasingly being undermined and are the target of increasing assaults even though our government has a constitutional duty to preserve and protect them.*
- *When people's actions only affect themselves, we usually could care less what they do. But when individuals' actions begin to harm others, then we do care and we want to stop it.*
- *When the government does restrict the behavior of individuals, this is not necessarily a bad thing. These forms of "mutual coercion" are usually in the public interest and work to our common benefit.*
- *I know in my heart that man is good. That what is right will always eventually triumph. And there's purpose and worth to each and every life.*

"Protecting the rights of even the least individual among us is basically the only excuse the government has for even existing."

- Ronald Reagan

"There are no easy answers' but there are simple answers. We must have the courage to do what we know is morally right."

- Ronald Reagan

WRITTEN COMMENTS OF

ROBIN CAMPBELL, JOAN CAMPBELL, JOHN SILVA, ALBERTA SILVA, PETER
CAMPBELL AND LUCINDA CAMPBELL, AND RICHARD ARDIS

In opposition of the Appeal of John and Julie Guida Regarding the Denial of the
Application to Merge Two Lots located at 2808 and 2812 Ocean Boulevard, Corona del
Mar, California

INTRODUCTION

On September 14, 2011, the Zoning Administrator approved an application of John and Julie Guida ("Guidas") to merge two contiguous lots, addresses 2808 and 2810 Ocean Blvd., in Corona del Mar ("Lot Merger"). (See Zoning Administration Action Letter dated September 14, 2011 ["Action Letter"].) The decision was appealed to the Planning Commission by Joan Campbell, John Silva and Clifford Jones. The Planning Commission disagreed with the findings of the Zoning Administrator and denied the lot merger. (See Planning Commission Resolution No. 1857 ["Res. 1857"].) The Guidas have appealed the Planning Commission's denial to the City Council.

"All residential development in the City requires review to determine compliance with the City's development regulations and guidelines." (N.B. General Plan, Ch. 5, Housing Element, Development Review Process, p. 5-93.) Before a lot merger is approved, the local agency must make certain findings of fact that support the decision, including compliance with local regulations and ordinances, adherence to the General Plan and any relevant Specific Plans. The Lot Merger must also comply with or be exempt from the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.), and must comply with the California Coastal Act (Pub. Resources Code, § 30000 et seq.) and the Planning and Zoning Law (Gov. Code, § 65000 et seq.).

The Zoning Administrator found that the lot merger was exempt from CEQA. (Action Letter, Finding A-1, p. 1.) The Planning Commission made no findings regarding CEQA. (Res. 1857, § 2.) The Zoning Administrator found that the lot merger met all five requirements of the Lot Merger Ordinance. (Action Letter, Findings, pp. 1-4.) The Planning Commission found that the merger would not meet two of the requirements, and made no comment regarding three requirements. Neither the Planning Commission nor the Zoning Administrator discussed the California Coastal Act.

As discussed below, the lot merger (1) is inconsistent with the General Plan; (2) does not meet the requirements of the Lot Merger Ordinance; (3) violates the Coastal Act; (4) violates the Planning and Zoning Law; and (5) has not been evaluated for compliance with CEQA. Therefore, the City Council must deny the lot merger.

Importantly, the merger would conflict with the purpose of the creation of the existing subdivision and cause havoc on a block of lots that are delicately and totally intertwined, such that any modification to the lot lines would result in undoing several easements as well as open the door to multiple lawsuits among neighbors.

Lastly, the Guidas appear not to be the legal owners of all of the property in issue. According to the description of the operative grant deed, the Guidas do not own the first 20 feet of property facing the street. (See Grant Deed No. 2010-00708142, excepting southwesterly 20 feet of Lot 5.) Although the Guidas attempted to correct the deed, the subsequently recorded deed is invalid, as it was not signed and executed by the legal owner of the property.

This information is provided to the City by Melinda Luthin, Esq. of Melinda Luthin Law, on behalf of Robin Campbell, Joan Campbell, Clifford Jones, John Silva, Alberta Silva, Peter Campbell and Lucinda Campbell, Jeffrey DuFine and Richard Ardis.

Contents

1. THE LOT MERGER DOES NOT MEET THE REQUIREMENTS OF THE LOT MERGER ORDINANCE.....	1
A. The Lot Merger Does Not Meet The Findings Contained In 19.68.030(H)(1) Protecting Persons, Property In The Neighborhood And The Welfare Of The City.....	1
(1) The proposed merger will be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood.....	1
(2) The merger will be detrimental and injurious to property and improvements in the neighborhood.	2
(3) The merger will be detrimental or injurious to the general welfare of the City.....	2
(4) The merger is inconsistent with the legislative intent of Title 19	2
B. The Lot Merger Does Not Meet The Findings Contained In 19.68.030(H)(3) Because The Lot As Merged Will Not Will Be More Closely Compatible With The Applicable Zoning Regulations And Will Be Inconsistent With Other Regulations Relating To The Subject Property.	2
C. The Lot Merger Does Not Meet The Findings Contained In 19.68.030(H)(4) Because The Lot As Merged May Extinguish The Access Easement To The Alley.....	3
D. The Lot Merger Does Not Meet The Findings Contained In 19.68.030(H)(5) Because The Lot As Merged Will Not Be Consistent With The Surrounding Pattern Of Development And Will Create An Excessively Large Lot.	3
2. THE LOT MERGER IS INCONSISTENT WITH LOCAL LAW AND REGULATIONS.....	4
A. The Proposed Lot Merger Is Inconsistent With And In Violation Of The General Plan.....	4
B. The Proposed Lot Merger Is Inconsistent with the Vision Statement of the General Plan.	6
C. The Proposed Lot Merger Violates the Elements of the General Plan.....	7
(1) The Proposed Lot Merger Violates The Land Use Element.	7
(2) The Proposed Lot Merger Violates The Housing Element.....	9
(3) The Proposed Lot Merger Violates The Natural Resources Element.	10
D. The Proposed Lot Merger Is Inconsistent With The Implementation Plan.....	11
3. THE LOT MERGER HAS NOT MET THE REQUIREMENTS OF THE COASTAL LAND ACT AND IS CONTRARY TO THE COASTAL LAND USE PLAN.....	13
A. The Lot Merger Has Not Met The Requirements Of The Coastal Land Act.....	14
B. The Lot Merger Is Contrary To The Coastal Land Use Plan.	14
4. THE LOT MERGER HAS NOT MET THE REQUIREMENTS OF CEQA.....	15
5. THE LOT MERGER SHOULD NOT BE APPROVED.	16

1. **THE LOT MERGER DOES NOT MEET THE REQUIREMENTS OF THE LOT MERGER ORDINANCE.**

Title 19 of the Newport Beach Code Chapter 19.68 (Lot Merger Ordinance) governs the approval of lot mergers in the City. The Lot Merger Ordinance was created in 2009. Prior to this, lot mergers were virtually unregulated. The subject application for merger is the first of its type in Corona del Mar since the Lot Merger Ordinance was enacted. The Lot Merger Ordinance mandates that five findings (each containing multiple subfactors) be made in order for the City to approve a lot merger.

A. **The Lot Merger Does Not Meet The Findings Contained In 19.68.030(H)(1) Protecting Persons, Property In The Neighborhood And The Welfare Of The City.**

Finding H(1) of the Merger Ordinance mandates findings that “[a]pproval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.”

(1) **The proposed merger will be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood.**

The Planning Commission properly found that the proposed merger would be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood. As stated in Resolution No. 1857, the merger would allow the property owners to build across eight linear feet of open space that is currently designated as side setbacks and therefore, not buildable. (Res. No. 1857, Finding A-1, p. 2.) This loss of open space is detrimental to the health safety and general welfare of those residing and working in the neighborhood.

In addition, the loss of open space will hinder the view along the ocean facing portion of Ocean Blvd. as well as along the view corridor of Ocean Blvd., Goldenrod Ave. and the Alley between Goldenrod Ave. and Heliotrope Ave.

- (2) The merger will be detrimental and injurious to property and improvements in the neighborhood.

As identified in several City documents, the people of Corona del Mar have made clear that they do not want mansionization of the village. The city of Newport Beach recognizes that the newer subdivisions have larger lots, but that the average lot in Corona del Mar is less than 4,000 square feet. The creation of a lot of over seven times the average lot size will negatively affect the property and improvements of the neighborhood.

- (3) The merger will be detrimental or injurious to the general welfare of the City

consistency. is one of the General Plan's

- (4) The merger is inconsistent with the legislative intent of Title 19

The merger provisions of Title 19 are intended to help streamline the elimination of non-conforming lots, i.e. lots that are too small. The two lots in issue here are already among the largest lots in Corona del Mar. Neither is non-conforming. The purpose of Title 19 will not be served by merging these lots.

B. The Lot Merger Does Not Meet The Findings Contained In 19.68.030(H)(3) Because The Lot As Merged Will Not Will Be More Closely Compatible With The Applicable Zoning Regulations And Will Be Inconsistent With Other Regulations Relating To The Subject Property.

Purpose of merger ordinance is to streamline the elimination of non-conforming lots. Merging two conforming lots will not "be more closely compatible with the zoning regulations." In fact, the lots as merged would be *less* compatible with the zoning regulations, as the zoning regulations anticipate a certain amount of growth and open space, both of which will be impossible with this proposed lot merger.

Furthermore, the lots as merged will be inconsistent with the General Plan as well as other regulations relating to the subject property. This is discussed in detail below.

C. The Lot Merger Does Not Meet The Findings Contained In 19.68.030(H)(4) Because The Lot As Merged May Extinguish The Access Easement To The Alley.

Section 19.68.030(H)(4) mandates that the merger must not result in a deprivation of access. Here, the only access to the lots is through the alley, via an easement. If the lots are merged, and the Guidas attempt to build a house across the property lines in violation of a duly recorded and enforceable covenant, the remaining subdivision lot owners will deem the Guida's violation to extinguish their access easement. As a result, the lots, as merged will not have access to the street.

D. The Lot Merger Does Not Meet The Findings Contained In 19.68.030(H)(5) Because The Lot As Merged Will Not Be Consistent With The Surrounding Pattern Of Development And Will Create An Excessively Large Lot.

The Planning Commission properly found that the lots as merged would create a lot size and configuration inconsistent with the development pattern within Block 34. (Res. No. 1857, Finding B-1, p. 2.)

Currently the lots are approximately 7,200 and 6,400 square feet. As merged, the lot would be nearly 14,000 square feet. The lots are currently 40 feet in width, facing the street. As merged, the frontage along Ocean Blvd. would be 80 feet.

Block 34 consists of 20 lots, with average lot size of approximately 5,600 square feet and average street-facing width of 45 feet. The lot size of the proposed merger is 2.5 times the average lot size, with a street facing width of nearly twice the average in Block 34. The merged lots would not only be inconsistent with Block 34, the surrounding properties, it is grossly inconsistent with the development pattern of Corona del Mar, as a whole.

As stated above, the standard lot size is 3,500 and average size is estimated to be just over 4,000 square feet. The Standard lot has 30 feet facing the street. It is impossible to

conclude that a lot of nearly four times the standard size, with nearly three times the standard width is not “excessively large” and inconsistent with the surrounding pattern of development.

The zoning administrator claims that “nearby lots have widths as wide as 73 feet and area as large as 13,325 square feet,” and as such, the proposed lot merger is consistent with the surrounding pattern of development and does not create an excessively large lot. (Zoning letter finding F-1.) This is a gross misstatement of the facts. First, the lots that the zoning administrator discusses are two of only three lots that are excessive in size. Three lots among thousands is hardly an adequate sample of the “surrounding development.”

Second, the Zoning Administrator did not use “comparable” lots “within the surrounding area of development,” as required by the Merger Ordinance. Instead, for his analysis, the Zoning Administrator used three anomalous lots that are the three largest lots in the whole of Corona del Mar.

Third, the Zoning administrator conveniently combined the measurements of the lots as if they were one. He also misconstrues the facts by claiming that “other nearby lots have widths as wide as 73 feet.” (Zoning letter finding F-1, p.3.)

One “comparable” lot is 13,325 square feet has a frontage width of 66 feet. The “comparable” lot with a frontage of 73 feet has a lot size of 10,049 square feet. There is only one lot in all of Corona del Mar with larger street frontage and larger square footage. All of the large lots are anomalies that occurred long before the Merger Ordinance was enacted. The proposed lots, as merged, would be the second largest lot, with the second largest street frontage in all of Corona del Mar. As stated above, these sizes are nearly four times the average size.

2. THE LOT MERGER IS INCONSISTENT WITH LOCAL LAW AND REGULATIONS

A. The Proposed Lot Merger Is Inconsistent With And In Violation Of The General Plan.

“Under California law, every city and county must adopt a comprehensive long-term General Plan to provide guidance to decision makers regarding the conservation of resources and

the future physical form and character of development for the city.” (N.B. General Plan, Ch. 1, Introduction, Organization of the General Plan by Element, p. 1-11.) The law mandates that local agencies develop a General Plan for development. The General Plan must contain certain Elements, and must comply with state law. Newport Beach developed their mandated General Plan “to ensure that the City achieves the vision by, among many other things, doing the following: ...Creating guidelines that preserve the charm and beauty of our residential neighborhoods ...Preserving public views of the ocean, harbor, and bay” (N.B. General Plan, Ch. 1, Introduction, pp. 1-2, 1-3.)

“Newport Beach is renowned for its beautiful coastal lands and harbor...and quality residential neighborhoods.” (N.B. General Plan, Ch. 1, Introduction, p. 1-3.) “The General Plan “focuses on conserving the existing pattern of land uses and establishes policies for their protection and long term maintenance” and “provides guidance to preserve the qualities that define the natural and built environment. (*Ibid.*) “Specific goals and policies address the enhancement of open space, marine and harbor uses, historic and cultural resources, and recreational facilities.” (*Ibid.*)

“The Plan is a legal **document** and much of its content is dictated by statutory requirements relating to background data, analysis, maps, and exhibits.” (N.B. General Plan, How to Use the General Plan, Ch. 1, Introduction, p. 1-9.) The General Plan is more than a guideline. Adherence to its provisions is mandatory and “Future development decisions must be consistent with the Plan.” (N.B. General Plan, How to Use the General Plan, Ch. 1, Introduction, p. 1-9.)

Allowing a lot merger that destroys thousands of feet of open space, eliminates public views, and degrades the charm of Corona del Mar, ignores the thousands of hours of research and technical studies that went into the General Plan development, and flies in the face of the purpose of the General Plan. The Proposed Lot Merger will not meet the goal of “enhance[ing] the character of the community, preserv[ing] and enhance[ing] critical environmental and historical resources, and minimize hazards.” (N.B. General Plan, Ch. 1, Introduction, p. 1-4.)

The creation of a mega lot that is four times the average Corona del Mar lot size violates the General Plan, which is “intended to provide protection and preservation for existing neighborhoods.” (N.B. General Plan, How to Use the General Plan, Ch. 1, Introduction, p. 1-4.)

We request that the City Council utilize this important tool to help them “make land use and public investment decisions” and deny the application to merge the lots. (N.B. General Plan, How to Use the General Plan, Ch. 1, Introduction, p. 1-9.)

B. The Proposed Lot Merger Is Inconsistent with the Vision Statement of the General Plan.

The Vision statement describes the great efforts the City and its citizens have made to successfully preserve and enhance “our character as a beautiful, unique residential community with diverse coastal and upland neighborhoods. [Newport Beach residents] value our colorful past, the high quality of life, and our community bonds. The successful balancing of the needs of residents, businesses, and visitors has been accomplished with the recognition that Newport Beach is primarily a residential community.” (N.B. General Plan, Ch. 2, Vision Statement, Community Character, p. 2-2.)

The Vision Statement describes the City’s conservative growth strategy that emphasizes residents’ quality of life . . . cherishes and nurtures our estuaries, harbor, beaches, open spaces, and natural resources.” (N.B. General Plan, Ch. 2, Vision Statement, Community Character, p. 2-3.) Design principles are scrutinized to ensure they “emphasize characteristics that satisfy the community’s desire for the maintenance of its particular neighborhoods and villages. Public view areas are protected. Trees and landscaping are protected.” (N.B. General Plan, Ch. 2, Vision Statement, Community Character, p. 2-23.)

The City has vowed to “maintain access to and visibility of our beaches, parks, preserves, harbor, and estuaries.” (N.B. General Plan, Ch. 2, Vision Statement, A Healthy Natural Environment, p. 2-4.) Elected officials have vowed to listen and respond to the interests of residents and the business community.” (N.B. General Plan, Ch. 2, Vision Statement, Responsive Government, p. 2-5.). Allowing the applicants to merge two of the largest lots in Corona del

Mar will not be in harmony with the principles described and the promises made in the Vision Statement.

C. The Proposed Lot Merger Violates the Elements of the General Plan.

“By law, a General Plan must contain the following seven elements and must be internally consistent element to element.” (N.B. General Plan, Ch. 1, Introduction, Organization of the General Plan by Element, p. 1-11.) In addition to the mandatory elements, “the Newport Beach General Plan also includes . . . Harbor and Bay Elements. Though optional by statute, once adopted they hold equal weight under the law as the mandated elements.” (N.B. General Plan, Ch. 1, Introduction, Organization of the General Plan by Element, p. 1-11.)

(1) The Proposed Lot Merger Violates The Land Use Element.

“The Land Use Element presents goals and policies pertaining to how existing development is going to be maintained and enhanced and new development occur.” (N.B. General Plan, Ch. 1, Introduction, Organization of the General Plan by Element, p. 1-12.) The Land Use Element is intended to allow land use that maintains and enhances the “beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach.” (N.B. General Plan, Ch. 3, Land Use Element, Goals and Policies, p. 3-5.)

Many of the City’s older communities are located near the coast, and are characterized by small lots and the close grouping of structures. (N.B. General Plan, Ch. 3, Land Use Element, Residential Neighborhoods, p. 3-63.) This setting is recognized as one residents wish to preserve.

Any proposed modification to land use must “Protect the natural setting that contributes to the character and identify of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbors . . .” (*Ibid.*) The Land Use Element Contains specific restrictions to “Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.” (N.B. General Plan, Ch. 3, Land Use Element, Goals and Policies, p. 3-

6.)

Importantly, the Land Use Element mandates that the pattern of residential neighborhoods and harbor and ocean districts must be protected. (N.B. General Plan, Ch. 3, Land Use Element, Goals and Policies, p. 3-9.) Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents." (*Ibid.*)

"When reviewing proposals for land use changes, [the City must] give full consideration to the impact on coastal-dependent and coastal related land uses, including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties." (N.B. General Plan, Ch. 3, Land Use Element, Goals and Policies, p. 3-10.) Here, the lot merger will displace two houses for one along Ocean Blvd., which is a change in the density in an area that is not considered underperforming. Corona del Mar citizens realize the mansionization will not enhance the value of the neighborhood. It will also impermissibly reduce the amount of affordable housing near the beach, and curtail the goal of diversity within neighborhoods. (N.B. General Plan, Ch. 3, Land Use Element, Residential Neighborhoods, p. 3-65.)

The Land Use Element mandates that "the open space and recreational facilities that are integrated into and owned by private residential development are permanently preserved as part of the development approval process and are prohibited from converting to residential or other types of land uses." (N.B. General Plan, Ch. 3, Land Use Element, Residential Neighborhoods, p. 3-65.) A lot merger which proposes to obliterate thousands of square feet of open space setbacks flies in the face of this mandate.

The Proposed Lot Merger wishes to take two houses, one 1,400 square feet, the other 1,300 square feet and create one house of nearly five times the combined size of the existing houses that virtually covers both of the lot. A lot merger that creates a mega-lot for the purpose

of overbuilding a mansion violates the provision that replacement of existing houses must be “at *comparable building heights and scale*.” (N.B. General Plan, Ch. 3, Land Use Element, Corona Del Mar, p. 3-129.) This certainly will not “compliment the scale and form of existing housing.

(2) The Proposed Lot Merger Violates The Housing Element.

“The Housing Element is mandated by Sections 65580 to 65589 of the Government Code. State Housing Element law requires that each city and county identify and analyze existing and projected housing needs within their jurisdiction and prepare goals, policies, programs, and quantified objectives to further the development, improvement, and preservation of housing.” (N.B. General Plan, Ch. 5, Housing Element, Executive Summary, p. 5-2.) : “There exists strong public sentiment in favor of preserving the suburban environment in the City.” (N.B. General Plan, Ch. 5, Housing Element, Nongovernmental Constraints, p. 5-81.)

“The City of Newport Beach’s Housing Element details the City’s strategy for enhancing and preserving the community’s character, identifies strategies for expanding housing opportunities and services for all household types and income groups, and provides the primary policy guidance for local decision-making related to housing. The Housing Element provides in-depth analysis of the City’s population, economic, and housing stock characteristics as well as a comprehensive evaluation of programs and regulations related to housing. Through this evaluation and analysis, the City has identified priority goals, policies, and programs that directly address the housing needs of current and future City residents.” (N.B. General Plan, Ch. 5, Housing Element, Executive Summary, p. 5-2.)

Like the Land Use Element, the Housing Element recognizes that Newport Beach is A balanced residential community, comprised of variety of housing types, designs, and opportunities for all social and economic segments.” (N.B. General Plan, Ch. 5, Housing Element, Newport Beach Housing Element: Goals, Conservation and Improvement Housing, p. 5-119.) It seeks to “[e]ncourage preservation of existing and provision of new housing affordable to ... moderate-income households.” (N.B. General Plan, Ch. 5, Housing Elements, Variety of Housing Opportunities, p. 5-120.)

“The Housing Element addresses issues, goals, and policies related to ensuring an adequate supply of housing opportunities for all residents.” (N.B. General Plan, Ch. 1, Introduction, Organization of the General Plan by Element, p. 1-13.) As in other sections of the General Plan, the Housing Element states that the purpose of the Element is to “Conserve and improve the condition of housing and neighborhoods, including existing affordable housing; Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability; and Preserve for lower income households the publicly assisted multi-family housing developments within each community.” (N.B. General Plan, Ch. 5, Housing Element, Executive Summary, p. 5-3.) The Housing Element is designed to “Maintain rental opportunities by restriction conversion of rental units to condominiums unless the vacancy rate in Newport Beach for rental housing is an average 5% or higher for four (4) consecutive quarters....” (N.B. General Plan, Ch. 5, Housing Elements, Variety of Housing Opportunities, p. 5-120.) Analogous to this is the need to preserve rental houses by preventing the destruction of cottages in order to build mega-mansions. (See N.B. General Plan, Ch. 5, Housing Elements, Provisions and Preservations of Affordable Housing, p. 5-130 [discussing the need to maintain and preserve the City’s rental housing stock].)

According to the Housing Element, overcrowding of housing units is a problem that the City is committed to addressing. In addition, “The City’s goal is that an average of 15 percent of all new residential development will be affordable to very low-, low-, and moderate-income households. The City Council has also established an Affordable Housing Task Force that works with developers and landowners to facilitate the development of affordable units and determines the most appropriate use on in-lieu fee funds.” (N.B. General Plan, Ch. 5, Housing Element, Executive Summary, p. 5-3.) Neither the reduction of overcrowding nor the creation of affordable housing will be furthered by removing two rental houses and replacing it with one mega mansion that is to be occupied by two people.

(3) The Proposed Lot Merger Violates The Natural Resources Element.

Newport Beach recognizes that “Visual resources are an important component of the

quality of life.” (N.B. General Plan, Ch. 10, Natural Resources Element, Visual Resources, p. 10-16.) The “City’s habitat areas and open spaces are among the contributing visual resources . . . Coastal views are also provided from a number of streets and highways and, due to the grid street pattern in . . . Corona del Mar, many north-south tending streets provide view corridors to the ocean and bay.” (*Ibid.*) The Proposed Merger would obliterate the view corridor along Ocean Blvd., along Goldenrod Ave., along Heliotrope Ave., and along the alley between Goldenrod Ave. and Heliotrope Ave.

The City must create and implement development restrictions, including “bulk and height limits in the areas around the bay, [in order to] . . . preserve scenic views and regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.” (N.B. General Plan, Ch. 10, Natural Resources Element, Visual Resources, p. 10-17.)

The Proposed Lot Merger will not “maintain the intensity of development around Newport Bay to be consistent with the unique character and visual scale of Newport Beach.” (N.B. General Plan, Ch. 10, Natural Resources Element, Goals and Policies, p. 10-17.) Nor will it protect the public views by regulate the visual and physical mass structures consistent with the unique character and visual scale of Newport Beach, as mandated by the Natural Resources element. (*Ibid.*)

D. The Proposed Lot Merger Is Inconsistent With The Implementation Plan.

“Implementation Programs describe the actions to be taken by the City to carry out the goals and policies defined by the General Plan.” (N.B. General Plan, Ch. 1, Introduction, Organization of the General Plan by Element, p. 1-13.) It delineates “the principle set of actions and procedures necessary to carry out the goals and policies of the City of Newport Beach General Plan.” (N.B. General Plan, Ch. 13, Implementation Program, p. 13-2.)

Corona del Mar has a unique “half-mile linear view park that provides spectacular views of the harbor entrance and Pacific Ocean is located along the bluff top above Corona del Mar State Beach.” (N. B. LCP, Coastal Land Use Plan, Ch. 3, Public Access and Recreation, Bluff Top Access, p. 3-11.) The scenic and vial qualities of coastal areas shall be considered and

protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.” (N. B. LCP, Coastal Land Use Plan, Ch. 4, Coastal Resource Protection, Scenic and Visual Resources, p. 4-71.)

The Implementation Plan states that compliance with the General Plan requirements is not optional. “California statutes require that a city’s decisions regarding its physical development must be consistent with the adopted General Plan.” (N.B. General Plan, Ch. 13, Implementation Program, Programs, p. 13-3.) The City must “ensure that Private Development and Capital Improvements are Consistent with the General Plan.” (*Ibid.*)

The Implementation Plan states that the City must “continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.” (N. B. LCP, Coastal Land Use Plan, Ch. 2, Land Use and Development, General Policies, Residential Development, Policies, p. 2-48.) The Proposed Lot Merger violates this mandate.

According to the Implementation Plan, “it is necessary for Newport Beach to review all subdivision and development applications and make written findings that they are consistent with all goals and policies of the General Plan.” (N.B. General Plan, Ch. 13, Implementation Program, Programs, p. 13-3.) Here, the Planning Commission discussed only two of the five required findings mandated by the local merger ordinance. The Planning Commission’s denial did not address CEQA, or the Coastal Land Act compliance or compliance with the General Plan, any of its elements, or compliance with the Local Coastal Plan. Before the City approves a lot merger, it must evaluate all of the above. Based on the facts of the Proposed Lot Merger, it has not - - and cannot be approved without violating same.

3. **THE LOT MERGER HAS NOT MET THE REQUIREMENTS OF THE COASTAL LAND ACT AND IS CONTRARY TO THE COASTAL LAND USE PLAN.**

Corona del Mar is located within a costal zone designated by the State of California that is subject to the Coastal Act. (Pub. Resources Code § 30000 et seq.) The California Legislature made the following findings regarding the California Coastal Zone:

- (a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem;
- (b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.
- (c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.
- (d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

(Pub. Resources Code, § 30001.) The legislature enacted the Coastal Act in order to protect the Coastal Zone. Cities like Newport Beach must create and follow their Local Land Use Plans.

“One of the major goals of the California Coastal Act and the Coastal Land Use Plan is to assure the priority for coastal-dependent and coastal related development over other development in the Coastal Zone, which is a constraint on residential development, particularly in areas on or

near the shoreline.” (N.B. General Plan, Ch. 5, Housing Element, Local Coastal Program, p. 5-93.)

A. The Lot Merger Has Not Met The Requirements Of The Coastal Land Act.

The Coastal Act regulates, among other things, activity considered to be “development.” (E.g. Pub. Resources Code, §§ 30600-30627.) For purposes of the Coastal Act, lot line adjustments and lot mergers fall within the meaning of “development.” (See *La La Fe, Inc. v. County of Los Angeles* (1999, Cal App 2d Dist) 73 Cal App 4th 231, 86 Cal Rptr 2d 217.) Therefore, the proposed merger must comply with the restrictions of the Coastal Act, including the requirement that the applicants obtain a permit from the Coastal Commission. (See Pub. Resources Code § 30106 et seq.) In addition, “Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.” (Pub. Resources Code, § 30251.) New Development shall “protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.” (Pub. Resources Code, § 30253.) Prior to approving the lot merger, the City must ensure that the lot merger complies with the Coastal Act.

B. The Lot Merger Is Contrary To The Coastal Land Use Plan.

In addition, the Coastal Act mandates the City to create and abide by a coastal plan (LCP). Newport Beach’s Coastal Land Use Plan “consists of land use designations and resources protection and development policies for the Coastal Zone. The Land use Plan Policies result in consistency with Chapter 3 of California Coast Act, which addresses the planning and management of coastal resources.” (N.B. General Plan, Ch. 5, Housing Element, Local Coastal Program, p. 5-93.)

“Where there are conflicts between the policies set forth in this Coastal Land Use Plan those set forth in any element of the City’s General Plan, zoning, or any other ordinances, the policies of the Coastal Land Use Plan shall take precedence. (N. B. LCP, Coastal Land Use

Plan, Ch. 1, Introduction, General Policies, p. 1-2.)

“[I]n addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone . . . shall obtain a coastal development permit.” (N. B. LCP, Coastal Land Use Plan, Ch. 2, Land Use and Development, General Policies, General Development Policies, §30600 (a), p. 2-21.)

A lot merger is considered “development under the Act. (See *La Fe, Inc. v. County of Los Angeles* (1999, Cal App 2n Dist) 73 Cal App 4th 231, 86 Cal Rptr. 2d 217.) Therefore, the Proposed Lot Merger must undergo the scrutiny required to obtain a development permit in accordance with the Coastal Act.

4. THE LOT MERGER HAS NOT MET THE REQUIREMENTS OF CEQA.

The Zoning Administrator letter states that the “proposed project is in conformance with CEQA,” and the Lot Merger “qualifies for an exemption from environmental review...[as a] minor alteration in land use....” (Action Letter, Finding A-1, p. 1.) The Planning Commission made no findings regarding CEQA. (Res. 1857, § 2.)

Consistent with California's strong environmental policy, whenever the approval of a project is at issue, the statute and regulations “have established a three-tiered process to ensure that public agencies inform their decisions with environmental considerations.” (*Davidon Homes v. City of San Jose*, 54 Cal. App. 4th 106, 112 (Cal. App. 6th Dist. 1997).) There is a three tiered process for determining the appropriate level of CEQA review (*Ibid.*)

“The first tier is jurisdictional, requiring that an agency conduct a preliminary review in order to determine whether CEQA applies to a proposed activity. (Guidelines, §§ 15060, 15061.)” (*Davidon Homes v. City of San Jose, supra*, 54 Cal.App.4th at p. 112.)

CEQA applies if the activity is a “project” under the statutory definition, unless the project is exempt. (See §§ 21065, 21080.) “If the agency finds the project is exempt from CEQA under any of the stated exemptions, no further environmental review is necessary.” (*Davidon Homes v. City of San Jose, supra*, 54 Cal.App.4th p. 113.) “Only those projects having no

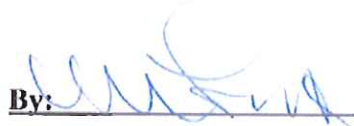
significant effect on the environment are categorically exempt from CEQA review.” (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107 [23 Cal. Rptr. 3d 321].) If the project is not exempt—either because it does not fall within an exempt category or because an exception makes the exemption unavailable—then the agency must proceed to the second tier and conduct an initial study. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 792 [124 Cal. Rptr. 2d 731]; see Guidelines, § 15063.) Lot mergers do not qualify for a categorical CEQA exemption, and therefore, the City must conduct an initial study prior to approving the Lot Merger.

5. **THE LOT MERGER SHOULD NOT BE APPROVED.**

For the foregoing reasons, we respectfully request that the City deny the Proposed Lot Merger.

Date: January 17, 2012

By:



Melinda M. Luthin, Esq.

of

MELINDA LUTHIN | LAW

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January 19, 2012

OFFICE OF
THE CITY CLERK
CITY OF NEWPORT BEACH

Newport Beach City Council
c/o Leilani Brown, City Clerk
3300 Newport Boulevard
Newport Beach, CA 92663

RE: 2808 & 2012 Ocean Blvd.
Lot Merger (PA2011-141)

Dear Council Members:

I am writing to ask that you uphold the Planning Commission's denial of the lot merger for the properties located at 2808 & 2012 Ocean Boulevard in Corona del Mar (Resolution NO. 1857).

The resulting development on these lots should the merger be approved, would be grossly out of character with the surrounding neighborhood, and more specifically the immediate area of Block 34. The residents of Newport Beach have expressed their desire to stop "mansionization" within the City and merging the referenced lots and the subsequent development of them will be in conflict with the City's code protecting neighborhoods from this type of development.

While not an issue before the City Council, it is my understanding that there is a recorded deed restriction which prohibits building higher than one-story for development in front of 3 lots on Ocean Way. In this specific case, The Guidas have a protected, unobstructed ocean-view and there is no reason for them to build a "one-story" home that blocks the view(s) of the two-story homes behind them.

Please respect the Planning Commission's decision and the time and effort that they put into it by upholding their decision of denial of the lot merger.

Thank You,



Jinx Hansen
221 Goldenrod Avenue
Corona del Mar

Marilyn Beck
303 Carnation Avenue
Corona del Mar, CA 92625

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January 18, 2012

OFFICE OF
THE CITY CLERK
CITY OF NEWPORT BEACH

Newport Beach City Council
c/o Leilani Brown, City Clerk
3300 Newport Blvd
Newport Beach, CA 92663

Re: 2808 & 2812 Ocean Blvd (PA2011-141)

Dear Council Members:

I live in the neighborhood of this project and want to express concern over the application to merge these two lots and to build a large dwelling that will result in the obstruction of the views of people living behind on Ocean Way.

First, the issue of the merger: Corona del Mar is a village community and the character of this community needs to be maintained. It is the reason we live here rather than other areas of Newport Beach. It is a disturbing trend to see mergers of lots and humongous properties being built. City Code provides protection under Section 19.68.030.H of Title 19. This merger does not meet the requirements of this section. The proposed new structure on the merged lots will be inconsistent with the character of the neighborhood and will be detrimental to the 'peace, comfort and general welfare of persons residing or working in the neighborhood'.

Second, obstruction of views on Ocean Way: I understand that this is not an issue before the City Council, and that it is a legal issue for the courts to determine. But there is a point at which respect for the property of others needs to be considered. We are so concerned about property rights that we've become a neighborhood of 'screw your neighbor' rather than respect for one another. There is a valid agreement documented between the neighbors of the properties on Ocean Way and Ocean Blvd, the intent of which was to protect views. The intent of the agreement was to protect views in perpetuity. That intent needs to be respected. It shouldn't be allowed that fifty years later someone new can come along and negate or cause harm to any of the surviving parties of that original agreement. The intent of the City's approval of these plans should be to protect this agreement, not to find ways around it and thus negate it.

I urge you to uphold the findings and recommendations of the Planning Commission and not to approve or allow the merger of these two lots.

Thank you.


Marilyn Beck

from the desk of
Lucinda Campbell

1/24/12
13
January 20, 2012

Dear Council Members,

We have over 300 face to face signatures collected by this small group that are opposed to the **Lot Merger at 2808/2812 Ocean Boulevard**. They were collected in a relatively short period of time. The only thing preventing us from gathering more were; houses were vacant or for rent and many people were away for Christmas & New Years.

The over 300 signatures includes:

1. The entire Block #34 comprising the surrounding neighborhood.
2. 102 signatures from the houses on Ocean Boulevard.
3. As many other local residents we found home.

The neighbors we approached were unanimous in their opposition to this merger (except for one person who supported the merger). They all spoke of the enormity of these lots if merged and believed that they were not compatible. Some expressed concern over a lot of this size being across from "Lookout Point."

Many residents expressed their desires to "Reign In Mansionization" and keep the charm that makes Corona Del Mar unique. On the Newport Beach website the following is stated, "Newport Beach is known for its 'villages', each with its own distinct character."

I must mention that my parents Robin & Joan Campbell (both 85 years old), when able, went door to door to gather signatures themselves. Their character and resolve, which has been surely put to a test, is remarkable. They are not just committed to preserve their own views but also to protect their neighbors from the devastating effect that a 13,700 sq.ft. lot would have on Block 34, their neighborhood. Remember, Old Corona Del Mar where the average lot size is more than 3 times smaller than the one proposed in the merger at 2808/2812 Ocean Boulevard.

Let us be perfectly clear, we are opposed to this enormous lot merger. We believe in no way is it compatible or consistent with the neighborhood. What few plans Mr. Gulda has been forthcoming with in no way changes our opposition. This is about a lot merger.....

My parents hope the City Council (as the Planning Commission did before them) will see that this merger is not compatible with the neighborhood. They believe in "Right Over Might." They are depending on their elected officials to represent what is the prevailing sentiment of the community and uphold the Planning Commission's decision to oppose the merger.

Respectfully submitted by:

ROBIN CAMPBELL

John Silva

Richard Ardis

Joan Campbell

Alberta Silva

Lucy Campbell

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
JOHN SILVA	2821 OCEAN ON C.D.M. 92625	John Silva
ALBERTA SILVA	2821 OCEAN LN CDM 92625	Alberta Silva
Robin Campbell	CDM 92625 2811 OCEAN LN	Robin Campbell
JOAN CAMPBELL	2811 OCEAN LANE	Joan F. Campbell
Richard Ardis	2818 Ocean Blvd.	Richard L Ardis
Annie Willis	2818 Ocean Blvd.	Annie Willis
CLIFFORD JONES	2800 OCEAN	Clifford Jones
LINDA JONES	2800 OCEAN	Linda Jones
HEPNER	2831 Bayview Dr. S.W.	Emstepher
Pauline P. Hepner	" " "	Pauline P. Hepner
Debbie Helms	218 Goldenrod	Debbie Helms
Gregory Helms	↓	Gregory L. Helms
Lynette Blanch	219 Heliotrope Ave.	Lynette F. Blanch
M. S. Blanch	219 Heliotrope Ave.	M. S. Blanch
Helen E. Blanch	217 Heliotrope	Helen E. Blanch

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OF 2808 & 2812 OCEAN BLVD.
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**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
SHARON L. MEYERS	3012 Ocean Blvd ^{NB}	Sharon L. Meyers
JACK L. MEYERS	3012 OCEAN BLVD	Jack L. Meyers
JILL SCHRIBER	3028 Ocean Blvd	Jill Schriber
TOM SCHRIBER	3028 Ocean	Tom Schriber
Steve Kosh	3116 Ocean	Steve Kosh
margam kosh	3116 Ocean	margam kosh
Sharon C McHally	3228 Ocean	Sharon C McHally
GREG REPOSA	3728 OCEAN	Greg Reposa
DEANA REPOSA	3728 OCEAN	Deana Reposa
Katharin Benz	3625 OCEAN	Katharin Benz
R.C. Hunsaker	3512 Ocean	R.C. Hunsaker
V.A. Hunsaker	3512 Ocean Blvd.	Virginia A. Hunsaker
SHIRLEY JOBE	²⁹¹⁴ 2908 OCEAN BLVD	Shirley A. Jobe
ALBERT JOBE	²⁹¹⁴ 2908 OCEAN BLVD	Albert Jobe
KAY M. WURTS	2700 Ocean Blvd	Kay M. Wurts

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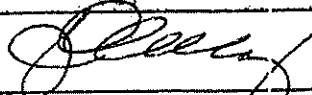
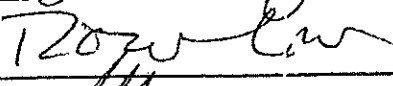

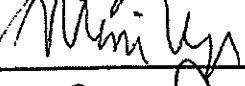

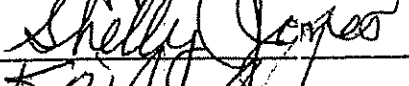
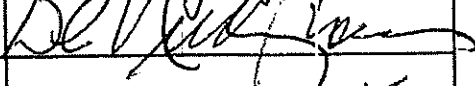
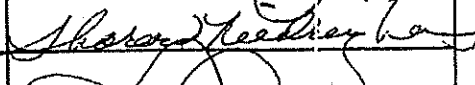
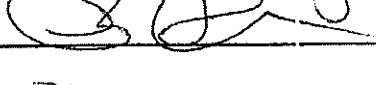
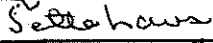
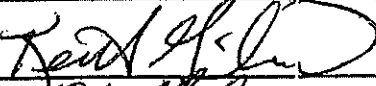

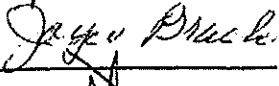
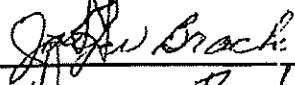
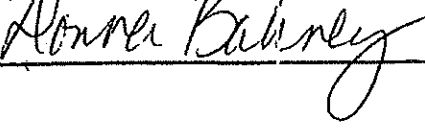
**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
Mary Michelson	2525 Ocean Blvd C-1, CDM	Mary Michelson
Linda & Bob Warmington	2628 Ocean Blvd C.D.M. CA 92625	Linda Warmington
BOB WARMINGTON	2628 OCEAN BLVD C.D.M. CA. 92628	BOB WARMINGTON
VICTOR TRUJILLO	2624 OCEAN BLVD. C.D.M. CA. 92625	
Ellen Trujillo	2624 OCEAN BLVD C.D.M. CA 92625	Ellen Trujillo
Anne Lampman	2812 Ocean Blvd. CDM CA 92625	Anne Lampman
Jessica Jones	2608 Ocean Blvd.	Jessica Jones
Michael TOLRUE	2524 OCEAN CDM CA 92625	Michael Tolrue
Lisa Vallejo	2501 Ocean Blvd. CDM CA 92625	Lisa Vallejo
Joe Vallejo	2501 Ocean Blvd. CDM CA 92625	Joe Vallejo
Michelle	3205 Ocean Blvd	Michelle
Berk Kellogg	3309 Ocean Blvd CDM	Berk Kellogg
G.H. Reed	3428 Ocean Blvd	G.H. Reed
Nicholas Reed	3428 Ocean Blvd	Nicholas Reed
MARY JANICE WALLACE	2919 Ocean Blvd	Mary Janice Wallace

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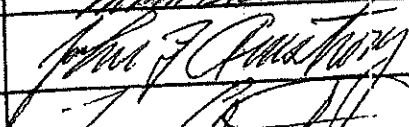
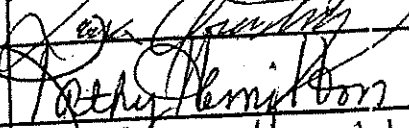
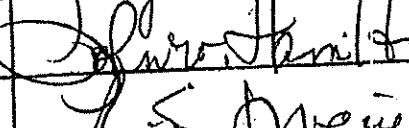
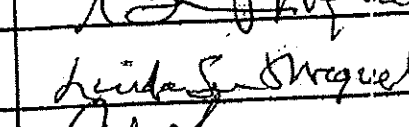
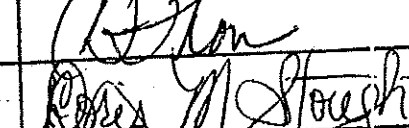
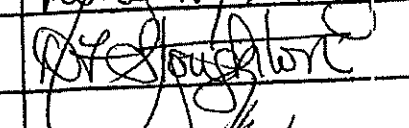
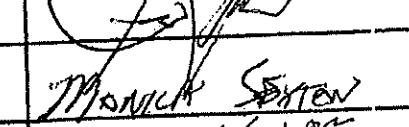
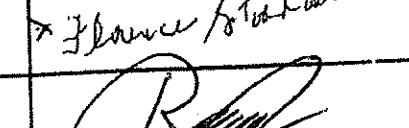
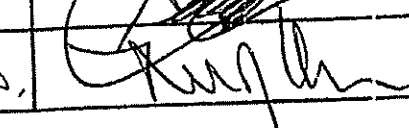



NAME	ADDRESS	SIGNATURE
JAMIE DAY	⁹²⁶⁶⁰ 1 HAMPSHIRE CT. NEWPORT BCH	
ROWLAND DAY	1 HAMPSHIRE CT. NEWPORT BCH	
Wilfried M. Voge	418 Angelita CDM	
MARIA VOGEL	418 Angelita CDM	
JEFF JONES	2525 OCEAN BLVD CDM	
SHELLY JONES	2525 OCEAN BLVD CDM	
DAN Niedringhaus	2900 Ocean CDM	
Sharon Niedringhaus	"	
Don Haws	2525 Ocean CDM	
Pette Haws	"	
Keith Gibson	3620 Ocean Blvd Coronado CA	
Eldolyn Gibson	3620 Ocean Blvd CDM CA	
JOYCE BRACK Joy	3620 Ocean Blvd CDM	
JOYCE BRACK	3300 Ocean Blvd CDM	
Donna Bahney	3000 Ocean Blvd. CDM	

STOP THE LOT MERGER OF 2808 & 2812 OCEAN BLVD.

SUPPORT RESOLUTION NO. 1857

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger!

NAME	ADDRESS	SIGNATURE
DBTN, LLC	211 HELIOTROPE AVE. CORONA DEL MAR, CA	
JOHN F. ANZITONDI	232 ILIS AVE CORONA DEL MAR, CA	
LAURA ARMSTRONG	232 ILIS CDM	
Kathy Hamilton	2735 Ocean Blvd.	
JOHN HAMILTON	2735 Ocean Bl.	
ROBERT AN MIGUEL	221 Carnation CDM	
Linda An Miguel	221 Carnation	
CARL HAN	1800 Ocean Ln	
Doris Stoughton	3708 Ocean Blvd	
Don Stoughton	3708 Ocean Blvd	
JAMES SEXTON	3729 OCEAN BLVD	
MONICA SEXTON	3729 OCEAN BLVD	
Florence Stoddard.	2928 Ocean Blvd	
Rudy Bautista	2928 Ocean Blvd.	
Ron Cullen	3700 Ocean Blvd.	

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
WILE CHRISTOPHER	CDVT 3321 Ocean Blvd	
SALVATORE PALERMO	3317 OCEAN BLVD (CDM)	
Jan A. Circle	3415 Ocean Blvd.	Jan A. Circle
KAREN JOHNSON	208 Margold	
Leslie Kazarian	3412 Ocean	Leslie Kazarian
Debbie Hayden	3312 "	
Tami Parker	217 Marguerite	
Marie Shea	223 Marguerite	
66 Lisa Willis	304 Marguerite	
Robert D. LaPorte	307 Marguerite	
JACOB VALENTI	303 Marguerite	
SASANTYS	301 Marguerite	
Angie Ferguson	301 Marguerite	
George Kerpon	215 Larkspur	
RUSSELL TEEFFER	429 Larkspur	Russell Teeffer

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
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**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
William R. Hansen	221 Goldenrod, Cdm	W. R. Hansen
Jinx Hansen	221 Goldenrod Corona del Mar	Jinx Hansen
JANE HILGENDORF	245 HELIOTROPE AVE CORONA DEL MAR	Jane Hilgendorf
Herb Fischer	240 Heliotrope Corona del Mar	Herb Fischer
Barbara Power	300 Heliotrope Corona del Mar	Barbara Power
Audley Pattenison	234 Goldenrod	Audley Pattenison COCOA DEL MAR, CA
ALFRED GODSALL	244 HELIOTROPE AVE	Alfred St. Godsall CORONA DEL MAR, CA.
Linda Maggard	232 Goldenrod Ave	Linda Maggard
Marilyn Beck	303 Carnation	M. Beck
Jeff Beck	303 Carnation	Jeff Beck
Marlyn Collins	301 Carnation	Marlyn Collins
Susan Stokes	309 Heliotrope	Susan Stokes
KATHY JOHNSON	2525 OCEAN BLVD GE	Kathy Johnson
Carl Johnson	2800 Ocean Ln	Carl Johnson
Phil Butterfield	3401 Ocean	P. Butterfield

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
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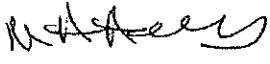

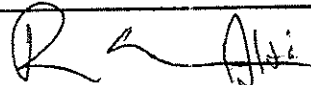


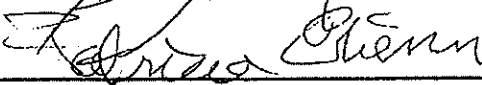
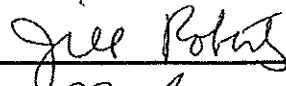



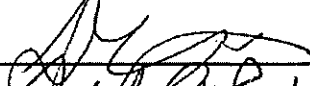
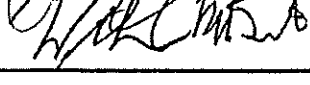
The undersigned ask the Newport Beach City Council to support the Planning Commission decision & deny the appeal for the lot merger:

[illegible]

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
Chris Newmeyer	315 Heliotrop Ave	
Joy Goeden	316 IRIS	
JOY LALONDE	213 CORAL AVE BAL-ISLAND	
Carrie Virtue	41814 Heliotrop Ave	
MARY ANN HELMES	54 SALZBURG	
MICHAEL HELMES	54 SALZBURG	
	8610 Seaview	
Meg Munn	2616 Seaview	
PATRICIA CHEN	304 Supplican	
Jill Roberts	213 IRIS	
GIRA MARCOTI	313 Carnation	
Jane Larkin	3000 Seaview Ave	
KEVIN LARKIN	3000 Seaview Ave	
ANDRE GILBERTIAN	309 IRIS	
Bill McBride	318 IRIS	

STOP THE LOT MERGER OF 2808 & 2812 OCEAN BLVD.

SUPPORT RESOLUTION NO. 1857

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH "DENYING"
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
NANCY WILLIE SARTER	544 HAZEL DR. CDM	Nancy W. Sarter
KATHLEEN R. PROUGH	527 HAZEL DR. CDM	Kathleen R. Prough
STEPHEN W. PROUGH	527 HAZEL DR. CDM	Stephen W. Prough
JOAN SELTZER	519 HAZEL DR. CDM	Joan Seltzer
LEONARD SELTZER	519 HAZEL DR. CDM	Leonard Seltzer
IRA BOTNICK	510 HAZEL DR. CDM	I. M. Botnick
ANDREW KREW	516 HAZEL DR. CDM	Andrew Krew
KAREN SIGLER	532 HAZEL DR. CDM	Karen Sigler
DANIEL ARDELL	554 HAZEL DR. CDM	Daniel Ardell
JOAN M. ARDELL	554 HAZEL DR. CDM	Joan M. Ardell
CAROLYN PROUGH	536 HAZEL DR.	Carolyn Prough
WOLFF R. IMPER	416 HAZEL DR.	Wolff R. Imper

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.**

SUPPORT RESOLUTION NO. 1857

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING' LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

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[illegible]

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SUPPORT RESOLUTION NO. 1857

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LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

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Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
Peter Horner	206 Fernleaf Ave	Peter Horner
PETER HORNER	212 FERNLEAF	Peter Horner
R.A. RODRIGUEZ	2151 SEA VIEW	R. A. Rodriguez
NANCY K. THOMPSON	302 Fernleaf	Nancy K. Thompson
MARY ROOSEVELT	304 Fernleaf	Mary Roosevelt
MARGUERITE CAGIGAS	310 FERNLEAF	Marguerite Cagigas
Teresa Cagigas	310 Fernleaf	Teresa Cagigas
Dan Miller	322 Heliotrope Ave	Dan Miller
SEAN LAHEY	370 MARGUERITE	Sean Lahey
Dana Deetel	436 Dahlia	Dana Deetel
John McNeary	234 Heliotrope Ave	John McNeary
Mike Beckman	301 Heliotrope	Mike Beckman
John Dunn	303 Heliotrope	John Dunn
Steve Grevatt	303 Heliotrope	Steve Grevatt
Jeffrey Thomas	318 Heliotrope Ave	Jeffrey Thomas

**STOP THE LOT MERGER
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RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
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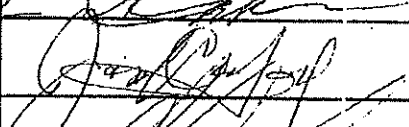

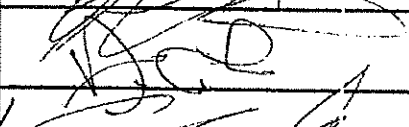
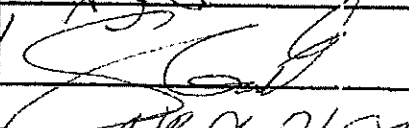
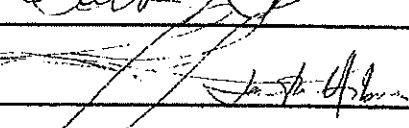
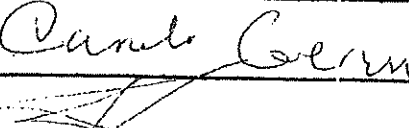
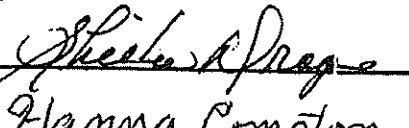
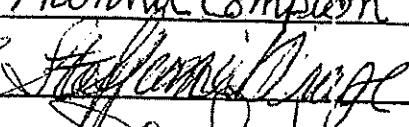
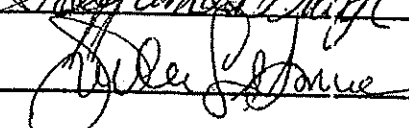
The undersigned ask the Newport Beach City Council to support the Planning Commission decision & deny the appeal for the lot merger:

[illegible]

**STOP THE LOT MERGER
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SUPPORT RESOLUTION NO. 1857**

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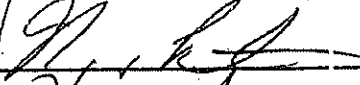

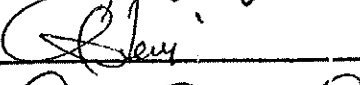
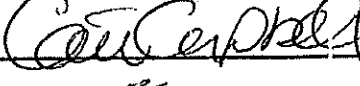

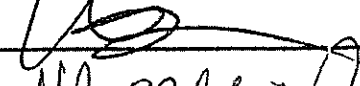
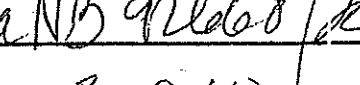
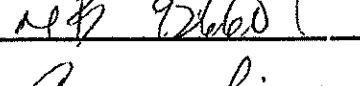
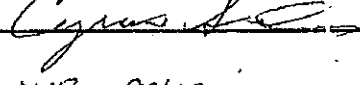
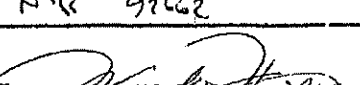
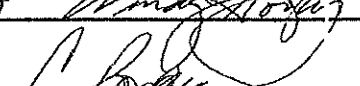

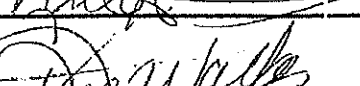
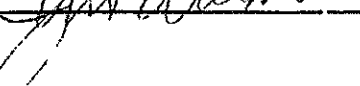
**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
SIMONIA DULIGA	2222 MICHELSON DR. IRVINE, CA 92619	
Jack Crawford	2109 Fuentes NB 92660	
Steve Santaron	602 1/2 Lakewood CDM 92625	
D. L. Ross Legum	407 Poppy Ave CDM 92625	
Sandra Gonzales	3535 E. Coast Hwy #34 CDM/CA 92625	
DERBIE NELSON	204 ARMBROSE	NB 92657
Carb	2525 Ocean P. Hill	Carole Correns
	Southview Ranch Old Greenwich	
SHEILA DRACE	608 CARNATION AVE CORONA DEL MAR	
Hanna Compton	608 Carnation Av. Corona Del Mar	Hanna Compton
Stefani Drage	608 CARNATION AVE CORONA DEL MAR	
Julie Le Duon	2525 Ocean Blvd CDM	

**STOP THE LOT MERGER
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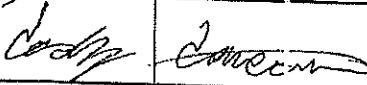
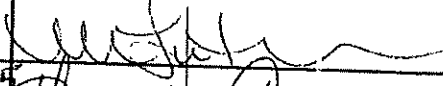
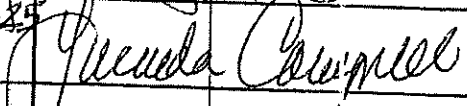
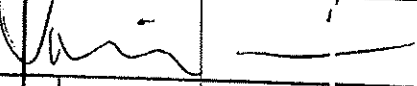
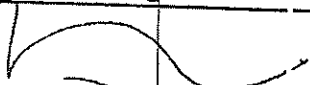
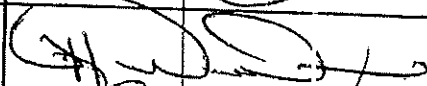

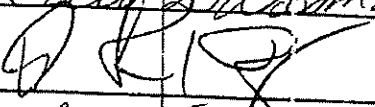
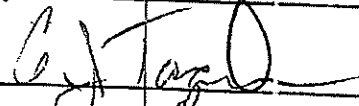
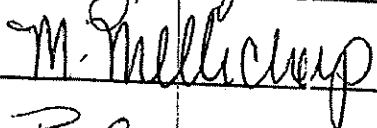
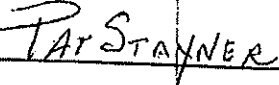
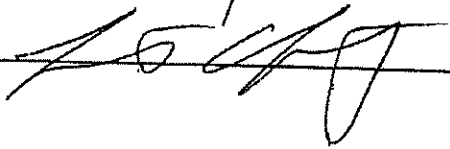
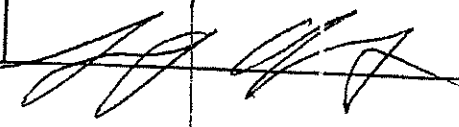
NAME	ADDRESS	SIGNATURE
PJ CARLTON	416 CARKSPUR ^{Edm}	
N. PATIN	75 AMBLOISE	
TOM LEGACY	2678 BINGHAM PL 92625	
Ariin Levi	4340 Campus Dr #206 Newport Beach, CA 92660	
Carano Campbell	6215 ACACIA AVE CORONA DEL MAR CA	
Richard Dunham	711 PLEASANT ST NW Newport Beach, CA	
Herika Jasso	2344 NAPLES AVE. Newport Beach, CA	
Phill BARILLO	3019 Corte Hermosa NB 92660	
JAMES KUPON	2117 BIRCH	
CYNUS SIDERS	26 TRINITY DR.	
McAFFEY, JR	1410 S. BOJ FT	
WENDY HOOPER	407-B PERULEA, CA	
CYNTHIA BARR	735 PLEASANT ^W NB CA	
Paul Stephens	PO Box 237 NB, CA	
Jim Walker	2441 E Coast	

STOP THE LOT MERGER OF 2808 & 2812 OCEAN BLVD.

SUPPORT RESOLUTION NO. 1857

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
decision & deny the appeal:**

NAME	ADDRESS	SIGNATURE
ALAN CAMERON	2525 OCEAN BLVD # F1, CDM, CA	
Helen Cameron	2525 Ocean Blvd F1, Coronado del Mar CA 92625	
Sarah Petersen	607 Begonia Ave CDM 92625	
Cody Cameron	607 Begonia Ave CDM 92625	
Helene Luthin	Colm 92625 2737 E. Coast Highway	
LUCINDA CAMPBELL	2811 OCEAN LANE CDM 92625	
Michelle Clayton	102 ACACIA	
Allyson	600	
JERREY WOODMAN	600 BEGONIA AVE CORONADO DEL MAR.	
CAROL WOODMAN	600 BEGONIA AVE CORONADO DEL MAR	
BERNARD TAGER	23 BELFORD NEW COAST CD.	
Carole Tager	23 Belford Newport Beach CA	
Mindy Mellichamp	1005 Presidio Dr Costa Mesa, CA 92626	
PAT STAYNER	232 Heliotrope Corona del Mar Ca. 92625	
	275 Heliotrope h	

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
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[illegible]

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Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
Louis Laper	11 Canyon Crest Dr. ^{CDM}	Louis Laper
Cristy Fischbeck	35 Beachcomber ^{CDM}	Cristy Fischbeck
Brian Brown Chas	2525 Ocean Blvd ^{CDM}	Brian Brown Chas
Mick Plummer	2931 Seaview	Mick Plummer
Kerry Crociani	213 1/2 Fernleaf	K. Crociani
Scott Stodolk	213 1/2 Fernleaf	Scott Stodolk
Ryan Curry	2530 Seaview Ave	Ryan Curry
Hanna Curry	- 11 -	Hanna Curry
Juan Vazquez	501 Ave Compagna	Juan Vazquez
James Bradley	3016 Ocean Blvd CDM	James Bradley
John Albers	54 Ocean ^{NB} Vista	John Albers
Joe Seely	474 Marjorie	Joe Seely
Frank Zwick	406 1/2 Jasmine	Frank Zwick
A. Aeglebrand	1024 Sandpiper, NB	A. Aeglebrand
John Grootesed	6 Edgewood Dr NB CA 92660	John Grootesed

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

TJ DAVIS PER
LETTER

NAME	ADDRESS	SIGNATURE
Ann Rushura	217 HEILIGENSTADT	Ann Rushura
Eleanor E. Wilson	3100 Ocean Blvd	Eleanor E. Wilson
FRANS VAN OVEREEM	3104 OCEAN BLVD.	[Signature]
DAVID HANSON	3104 OCEAN BLVD	[Signature]
Robert Campbell (Campbell LLC)	223 Heliotrope	R. Campbell
Alice Remer	210 Goldenrod	Alice Remer
Payco Dennis Garcia	3716 OCEAN BLVD	[Signature]
GAY GAY (Payco)	3716 Ocean Blvd	[Signature]
Helga Bralle	2727 Ocean Blvd.	[Signature]
Charles (Singer)	212 Heliotrope	
Heidi Blumstein	526 807th St Dr	[Signature]
Patricia Keohane	3720 Ocean Blvd com	[Signature]
Paul Keohane	3720 Ocean Blvd. com	[Signature]
QUINTANILLA RICHARD	317 NARCISSUS C	Richard Quintanilla
JUDE LIPPS	3020 OCEAN BLVD.	Jude Lipps

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
Melli Fredericks	3130 Ocean Blvd	Melli Fredericks
Myra M...	3000 Breakers Dr	Myra M...
Nan Skobtsov	3016 Breakers Dr	Nan Skobtsov
Marena Larson	3024 Breakers	Marena Larson
Jack B. Carson	3024 Breakers	Jack B. Carson
Lee Puffatto	212 Farmington	Lee Puffatto
44 Neil Haven	1226 CUTLER DR, CDM.	L/H
Ramona Ward	3036 Breakers Dr	R.W.
Bruce Harte	34720 Ocean	Bruce Harte
Dan Turcell	2516 Ocean Blvd	Dan Turcell
Linda Rasner	2500 Ocean Blvd	Linda Rasner
KATHLEEN MCINTOSH	2495 OCEAN BLVD	Kathleen McIntosh
Jack H. Brown	2824 OCEAN	Jack H. Brown

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
Kenny Zimmerman	3500 Ocean Blvd	Kenny Zimmerman
Sheryl Johnson	3500 Ocean Blvd	Sheryl Johnson
Lois McKinnon	3207 Ocean Blvd	Lois McKinnon
Diane McKinnon	3207 Ocean Blvd	Diane McKinnon
Maria Yacov	2701 Ocean Blvd	M. E. Yacov
Mary Wolk Jenkins	2720 Bayview Drive	Mary Wolk Jenkins
Patricia Jackson	" " "	Patricia Jackson
Elsie Ellis	2741 Ocean Blvd	Elsie Ellis
WADE G. ELLIS	" " "	W. G. Ellis
IVAN C. L. CALDWELL	2711 Ocean Blvd	Ivan C. L. Caldwell
Edward Maloney	3200 Ocean Blvd	Edward Maloney
JAMES L. OSTEN	2820 Bayview	James L. Osten
MAKILA WILKINSON LLC	3408 Ocean Blvd	M. Wilkinson

Don't let
the
little
things
get
in
the
way
of
the
big
things

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH "DENYING" LOT MERGER FOR PROPERTIES LOCATED AT 2608 AND 2812 OCEAN BLVD. (PA2011-141)

The undersigned ask the Mayport Beach City Council to support the Planning Commission decision & deny the appeal for the lot merger.

[illegible]

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH **'DENYING'**
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

The undersigned ask the Newport Beach City Council to support the Planning Commission decision & deny the appeal for the lot merger:

[illegible]

01/12/2012 10:32 FAX

001
003

SUPPORT RESOLUTION NO. 1057

The undersigned ask the Newport Beach City Council to support the Planning Commission decision & deny the appeal for the lot merger.

[illegible]

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
BARBARA POWER 17 ARBARKA	300 HELIOTROPE AVE COPONA DEL MAR CA 92625	[Signature]
M Quinlan	303 Heliotrope	[Signature]
Sheila Chiri	319 Heliotrope	[Signature]
Christina Vonbref	301 Heliotrope	[Signature]
ROB PLANCE	300 GOLDENROD	[Signature]
John Bartholomew	304 Goldenrod	[Signature]
Diana Nicholson	310 GOLDENROD	[Signature]
Sue Nicholson	310 Goldenrod	[Signature]
George Naidos	311 Goldenrod	[Signature]
JANE A HILGENDOFF	245 Heliotrope Ave	[Signature]

SUPPORT RESOLUTION NO. 1857

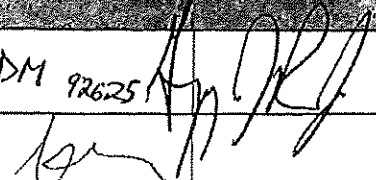
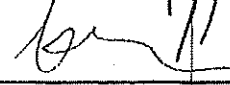
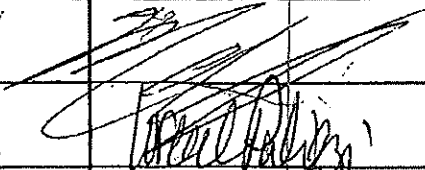
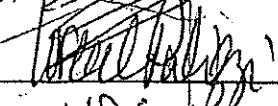

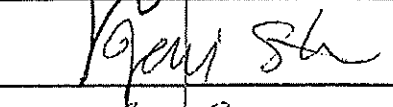
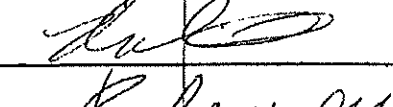
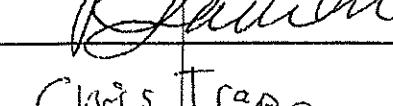
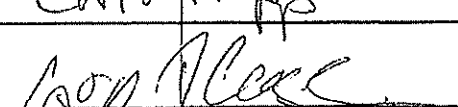
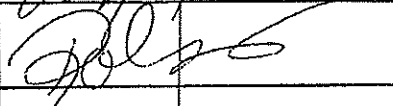
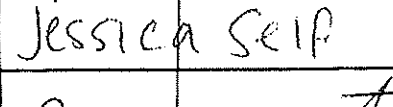
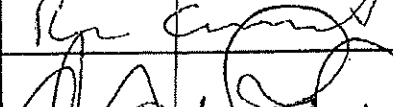

The undersigned ask the Newport Beach City Council to support the Planning Commission decision & deny the appeal for the lot merger:

[illegible]

**STOP THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
SUPPORT RESOLUTION NO. 1857**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH 'DENYING'
LOT MERGER FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BLVD. (PA2011-141)

**The undersigned ask the Newport Beach City Council to support the
Planning Commission decision & deny the appeal for the lot merger:**

NAME	ADDRESS	SIGNATURE
Gregg Prisco	2582 Bungalow Place, CDM 92625	
Karl Famiglio	8413 W 15th St.	
Matthe Lether	401 Marigold	
Loreal Pulizzi	440 Heliotrope	
Michelle Starnov	703 1/2 Porphy	
Jen Wagon	412 Goldenrod	
Joni Stier	430 Begonia	
Robert Stier	430 Begonia	
Rachel Lamon	114 1/2 Dryp	
Chris Trapp	2900 FRESH BERRY	Chris Trapp
Cory Case	330 Morning Canyon	
Rob Thomas	2215 Birchleaf St	
Jessie Self	330 Morning Canyon	Jessica Self
RON ARMENTA	19 CASTELLANA, NC	
Monty Pythys	77 N Ash	

Harris, Lillian

PRESENTED AFTER AGENDA
#13
1-24-12

RECEIVED

From: Brown, Leilani
Sent: Tuesday, January 24, 2012 4:11 PM
To: Harris, Lillian
Subject: FW: Tonight's Public Hearing re 2808-2812 OCEAN BLVD., CdM-I oppose dishonoring contiguous Property Owner's Deed Rights & Opt to Preserve their VIEWS
Attachments: LotsMerge2808-2812Oean.doc

2012 JAN 24 PM 4:12

OFFICE OF
THE CITY CLERK
CITY OF PORT BEACH

From: Jeanine Paquette [<mailto:jeaninepaquette@yahoo.com>]

Sent: Tuesday, January 24, 2012 4:06 PM

To: Brown, Leilani

Subject: Re: Tonight's Public Hearing re 2808-2812 OCEAN BLVD., CdM-I oppose dishonoring contiguous Property Owner's Deed Rights & Opt to Preserve their VIEWS

Attn: City Clerk

I prefer that Resolution 2012-8 be denied(re 2808-2812 cean Blvd., CdM.)..

As discussed with someone in City Hall, I am Emailing in my letter:

Herein attached is my letter re Protecting Contiguous Owners' Property Rights and Preserving their VIEWS. I trust my comments will be included in the material presented at tonight's Public Hearing.

Thank you. Sincerely,

Jeanine Paquette,
Property owner, 211 Goldenrod Av.
Corona del Mar, CA 92625

=====
Jeanine Paquette Jeanine.goodbroker@Gmail.com jeaninepaquette@yahoo.com
Real Estate Broker/Realtor DRE Bkr.Lic.#00473775 949/675-2225 Home Ofc. 949/375-4353 Mobile

Tuesday, January 24, 2012

TO: Council of Newport Beach
TO: Planning Commission, Newport beach, Ca.
TO: CdmRA

To Whom it May Concern

Please adopt Resolution 2012-8 denying the Lot Merger that would infringe seriously upon contiguous property owners' rights, deeded rights and would interfere with their entitled peaceful enjoyment of their property and ocean views.

Regarding the lot merger of 2808 and 2812 Ocean Blvd., Corona del Mar, I ardently feel that the deed restrictions, covenants, et al that were agreed to in 1951 (or any other time in their history) intending to preserve the views from the homes behind 2808 and 2012 Ocean Blvd. should be upheld; I feel they **MUST BE** upheld and respected.

The new owners of those lots proposing to develop a high edifice despite the factual knowledge they could have/should have had before closing escrow. Their neglect of the facts and/or failure to recognize long-existing owners' Property Rights is not the problem of the homeowners behind nor of the property owners throughout Corona del Mar whose rights should be recognized and adhered to.

Let our City not set further precedent favoring disruption of legal rights and once again favoring the abhorrent mansionization of Corona del Mar village. It is incumbent upon the City of Newport Beach fathers and paid staff to **do the right thing**, without betrayal of the property rights and rightful, natural expectations of the affected owners whose views and enjoyment would be sacrificed

Sincerely

Jeanine Paquette,
property owner
211 Goldenrod Av.
Corona del Mar, CA 92625

Correspondence

Item No. 3a

2808 and 2812 Ocean Boulevard Lot Merger

PA2011-141

Marion C. Grant
213 Jasmine Avenue
Corona Del Mar, CA 92625

March 20, 2011

Sent via Email

Michael Toerge - Chair
Planning Commission
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

RE: Lot Merger
2808 Ocean Blvd.
2812 Ocean Blvd.

Dear Mr. Toerge,

As a property owner in Corona del Mar (213 Jasmine Avenue) I want to inform you that I am in support of the proposed Lot Merger located at 2808 and 2812 Ocean Blvd.

I do not know or have any relationship with Mr. Guida. However, I have reviewed the proposed plans for the property and believe that the restrictions he is willing to place on himself are well beyond what should be required to obtain a lot merger. I believe ultimate home on these merged lots is well within the scale and the feeling of our neighborhood.

Our personal residence was accomplished by a lot line adjustment in which the then owner adjusted two existing lots one which was 30' in width and the other which was 50' in width. Our newly constructed home now resides on a 40' lot in width. We would not have built a new home without a lot line adjustment.

Corona Del Mar being an older community which is considered one of the most prestigious places in Orange County to live, lot mergers and lot line adjustments are part of the process of bringing the community up to the modern day standards it deserves and homebuyer's desire.

I personally believe the two homes that currently exist on the lots the Guida's purchased need to be removed and are an eyesore. I applaud the Guida's efforts to upgrade the property and bring it up to the current city standards that prominent Ocean Blvd. area deserves.

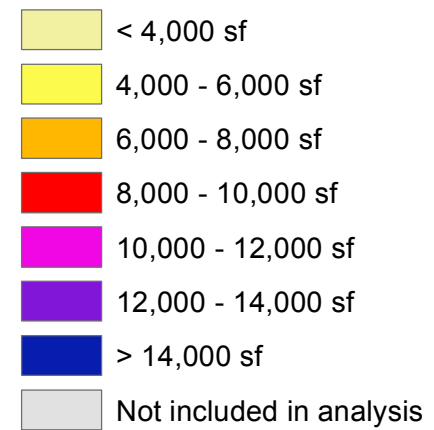
I support the lot merger, the upgrade of the property, and hope that both the Planning Commission and City Council will approve this proposal. Our community deserves the area to be cleaned up and improved in a fashion that is in keeping with beautiful Ocean Blvd., as well as, having a home which meets the current building, safety and energy codes.

Thank you for considering my thoughts.

Sincerely,

Marion C. Grant

PA2011-141
R-1 and R-2 lot sizes



Materials Received
Item No. 3b
2808 and 2812 Ocean Boulevard Lot Merger
PA2011-141

Comparison of Lot Sizes

Property	Total Area (approximately)	Width (at widest point)
R-1 Zoning District Interior Lot Standards:	5,000 sq. ft.	50 feet
2808 Ocean Blvd.	7,217 sq. ft.	40 feet
2812 Ocean Blvd.	6,483 sq. ft.	40 feet
Proposed Merged Lot	13,699.58 sq. ft.	80 feet
Comparable Properties Adjacent to the inland side of Ocean Blvd.		
2900 Ocean Blvd.	13, 326 sq. ft.	66 feet
2908 Ocean Blvd.	10,049 sq. ft.	78 feet
3222 Ocean Blvd.	14,579 sq. ft.	111 feet



Guida
2808 Ocean Blvd.

Guida
2812 Ocean Blvd.

Ardis
2818 Ocean Blvd.

2804
Ocean Blvd.

Jones
2800 Ocean Blvd.

Campbell
2811 Ocean Lane

Silva
2821 Ocean Blvd.



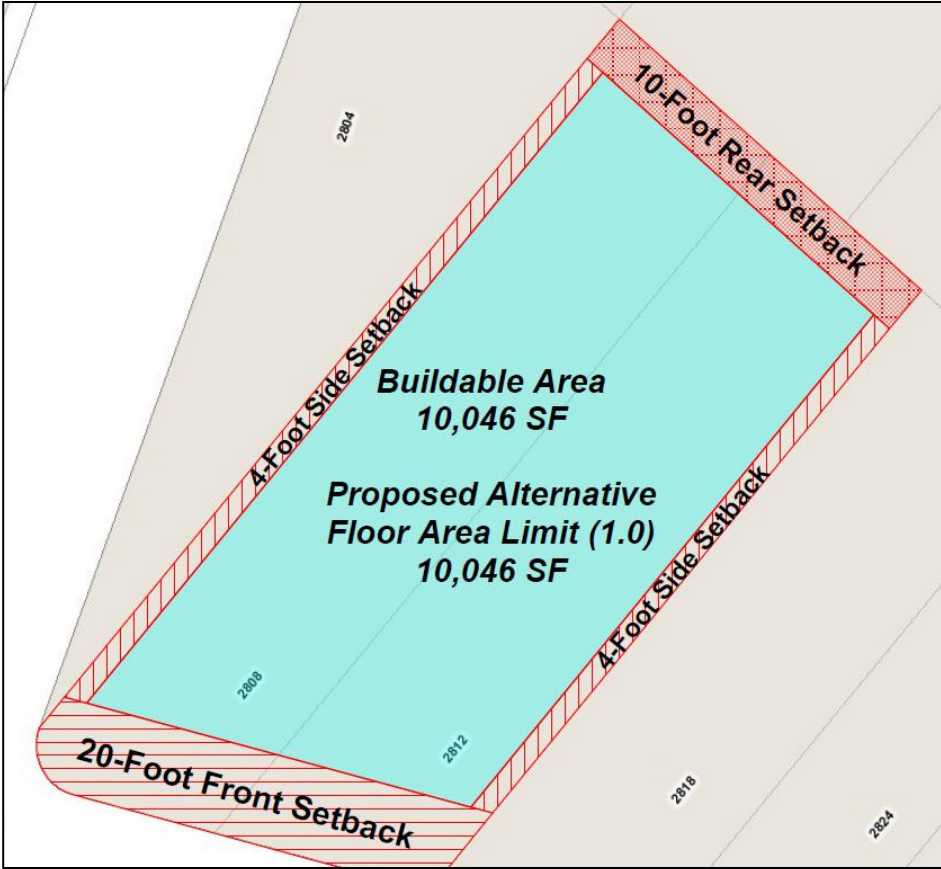
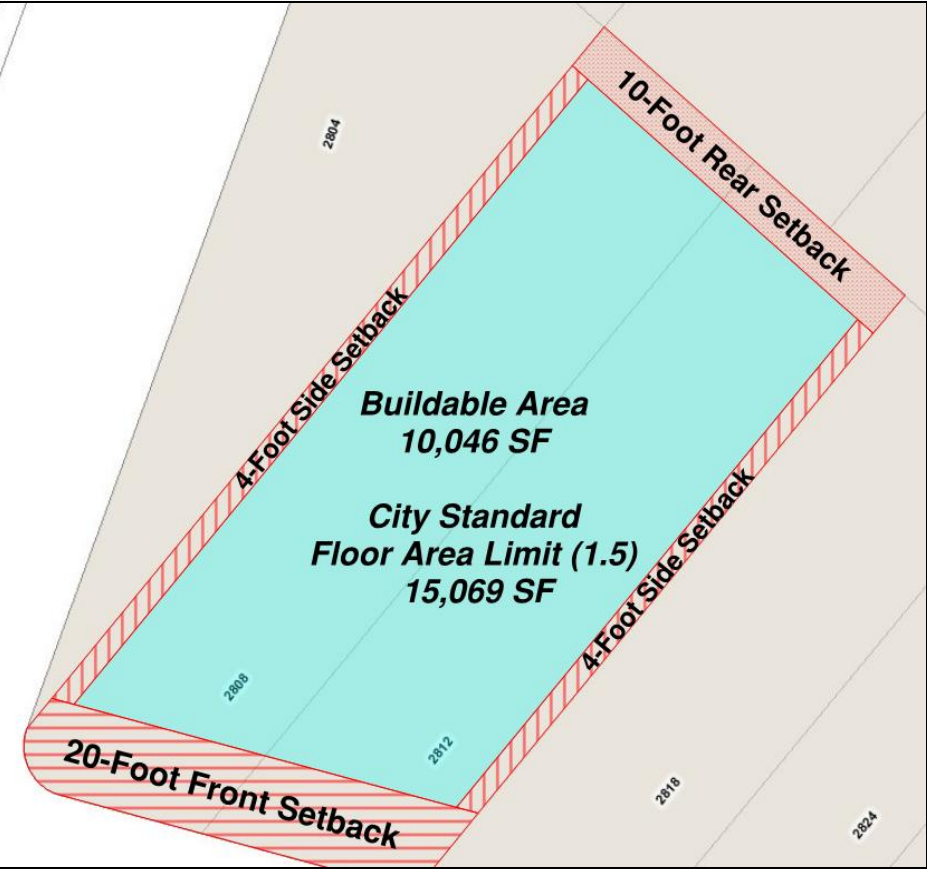
Planning Commission Meeting
March 22, 2012

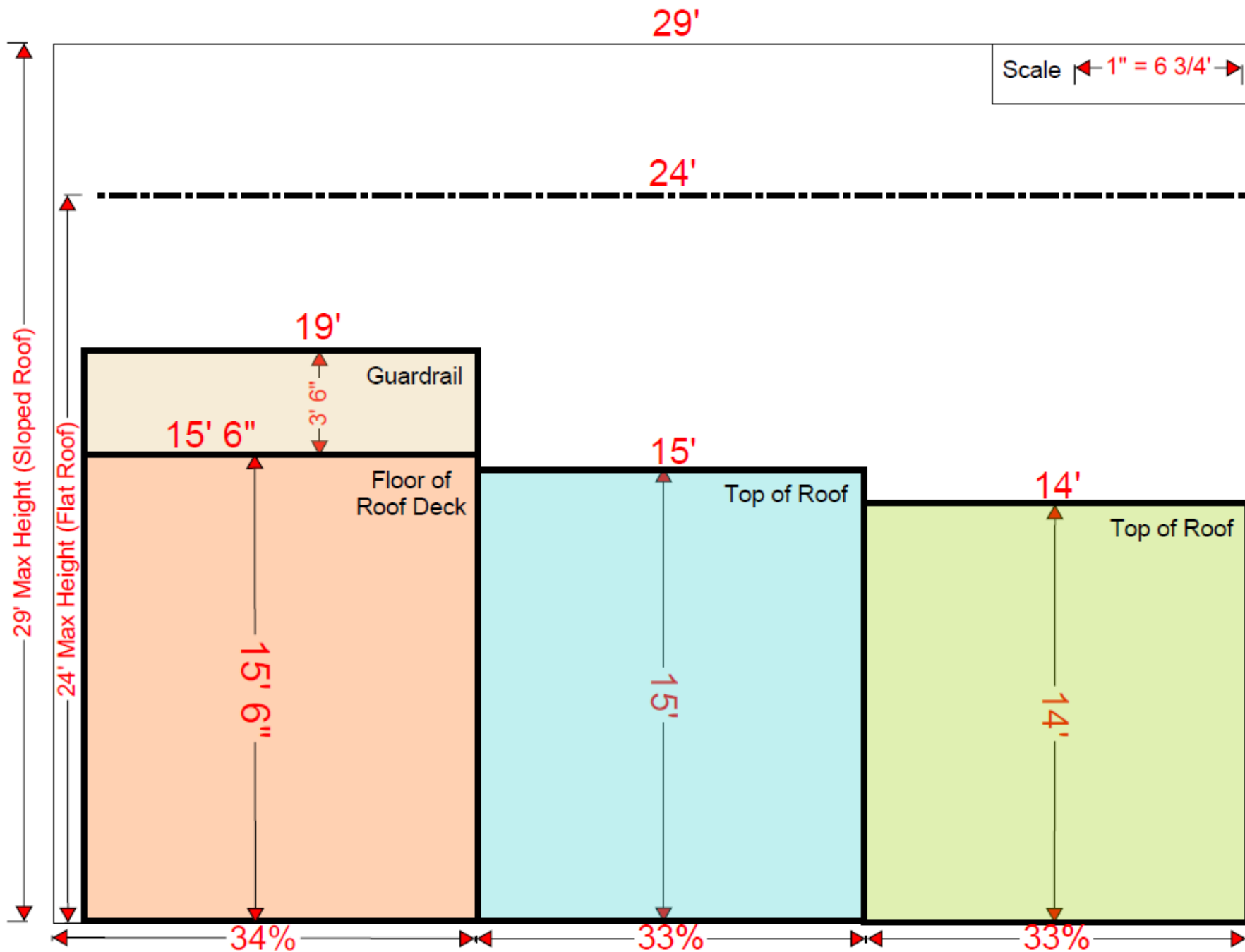
2808 and 2812 Ocean Boulevard Lot Merger (PA2011-141)
Alternative Development Standards Review



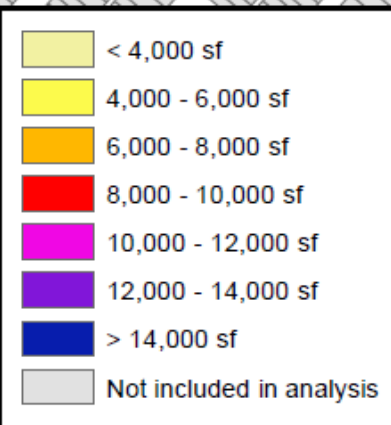
Comparison of Development Standards

Development Standards	City	Applicant's Proposed Alternative
Maximum Floor Area Limit (FAL)	1.5 x buildable area	1.0 x buildable area
Maximum Height Limit Measured from Established Grade (70.2' NAVD)	24 feet (flat roof/top of railing or parapet)	34% up to 15'6" (floor of roof deck) 33% up to 15' (measured to top of roof) 33% up to 14' (measure to top of roof)





PA2011-141
R-1 and R-2 lot sizes

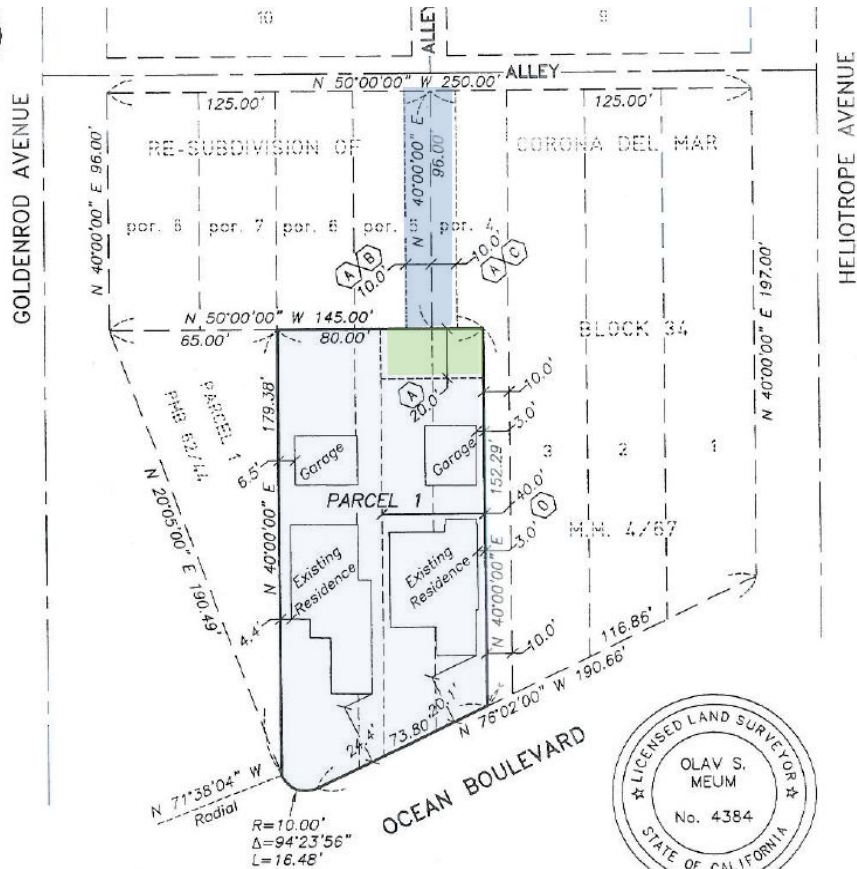


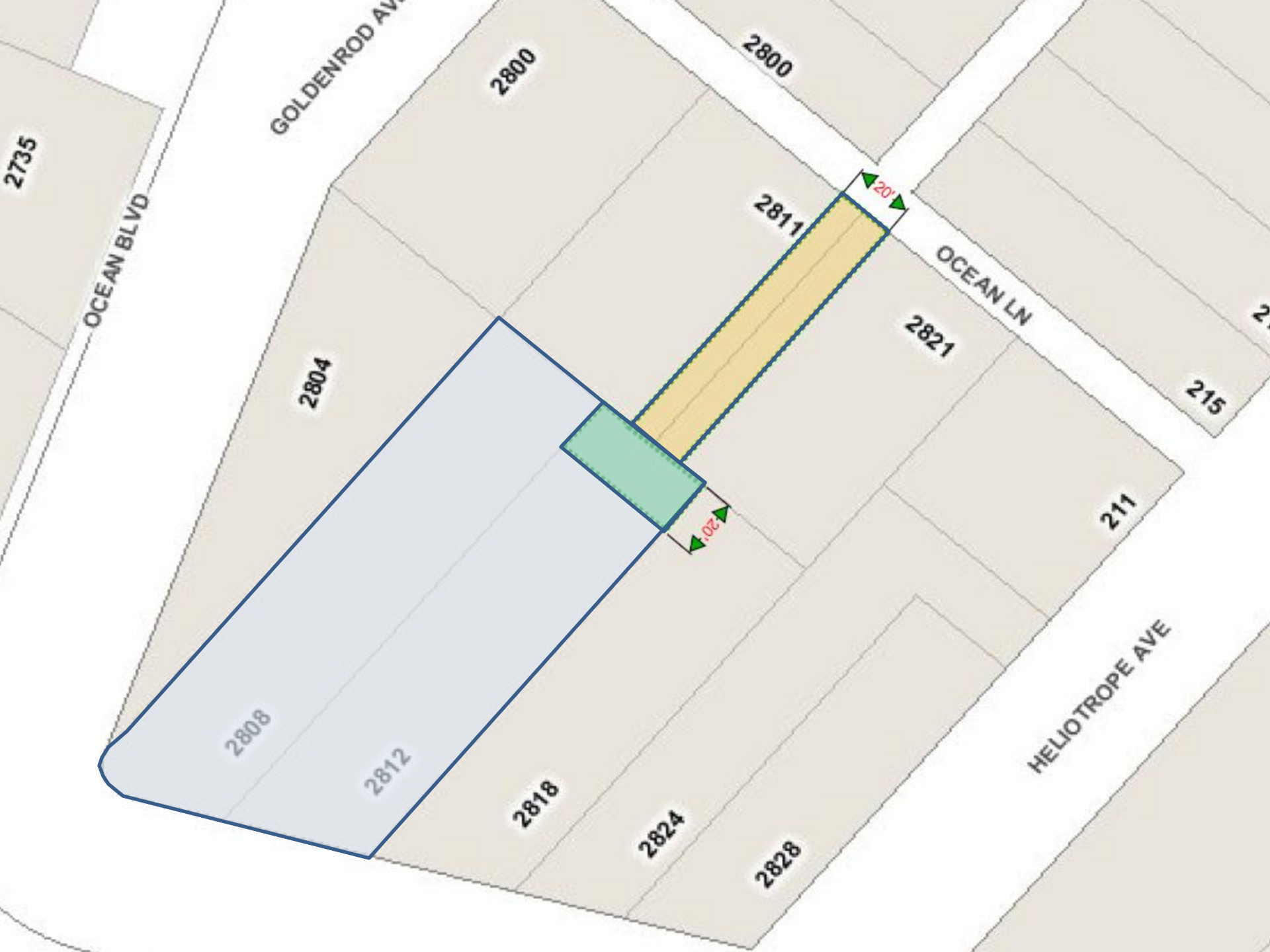
Materials Received
Item No. 3b
2808 and 2812 Ocean Boulevard Lot Merger
PA2011-141

Comparison of Lot Sizes

Property	Total Area (approximately)	Width (at widest point)
R-1 Zoning District Interior Lot Standards:	5,000 sq. ft.	50 feet
2808 Ocean Blvd.	7,217 sq. ft.	40 feet
2812 Ocean Blvd.	6,483 sq. ft.	40 feet
Proposed Merged Lot	13,699.58 sq. ft.	80 feet
Comparable Properties Adjacent to the inland side of Ocean Blvd.		
2900 Ocean Blvd.	13, 326 sq. ft.	66 feet
2908 Ocean Blvd.	10,049 sq. ft.	78 feet
3222 Ocean Blvd.	14,579 sq. ft.	111 feet













	2808 Ocean Blvd Property "A"	2812 Ocean Blvd Property "B"	Total ("A" + "B")	Merged Property	
Lot Area	7,194 sq ft	6,499 sq ft	13,693 sq ft	13,693 sq ft	13,693 sq ft
Development Standards					Proposed Alternative Development Standards
Setbacks: Front Rear Sides	20 ft 10 ft 3 ft per side	20 ft 10 ft 3 ft per side	20 ft 10 ft 3 ft per side	20 ft 10 ft 4 ft per side	Same
Setback Areas (Total Sq Ft)	2,432 sq ft	2,332 sq ft	4,764 sq ft	3,647 sq ft	Same
Total Buildable Area	4,762 sq ft	4,167 sq ft	8,929 sq ft	10,046 sq ft	Same
Floor Area Limit (FAL)	7,143 sq ft (1.5 FAL)*	6,251 sq ft (1.5 FAL)*	13,394 sq ft (1.5 FAL)*	15,069 sq ft (1.5 FAL)*	10,046 sq ft (1.0 FAL)*
Floor Area Ratio (FAR)	.99	.96	.98	1.10	.73
Height (flat roof/sloped roof) Measured from: Established Grade of 70.2' (NAVD88)	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft	34% up to 15'6" (floor of roof decks)** 33% up to 15' (top of flat roof) 33% up to 14' (top of flat roof)

Table 2: Development Standards

	2808 Ocean Blvd. Property "A"	2812 Ocean Blvd. Property "B"	Total ("A" + "B")	Proposed Property (as merged)	Difference
Lot Area	7,194 sq ft	6,499 sq ft		13,693 sq ft	Same
Lot Width	40 ft	40 ft	80 ft	80 ft	Same
Setbacks: Front Rear Sides	20 ft 10 ft 3 ft per side	20 ft 10 ft 3 ft per side	same same 3 ft per side	20 ft 10 ft 4 ft per side	same same +1 ft per side/ -6 ft interior setbacks
Total Sq. Ft. of Setback Areas:	2,432 sq ft	2,332 sq ft	4,764 sq ft	3,647 sq ft	-1,117 sq ft (23.4% decrease)
Total Buildable Area (lot area minus setbacks)	4,762 sq ft	4,167 sq ft	8,929 sq ft	10,046 sq ft	+1,117 sq ft (12.5% increase)
Floor Area Allowed (1.5 x buildable area)	7,143 sq ft	6,251 sq ft	13,394 sq ft	15,069 sq ft	+ 1, 675 sq ft (12.5% increase)
Height	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft	24 ft/29 ft

PROPERTY	LOT AREA	
Typical Lot in Corona del Mar	3,540 sq. ft. (30 ft. x 118 ft.)	Lot Width (facing street)
2808 Ocean Blvd.	6,499 sq. ft.	40 ft.
2812 Ocean Blvd.	7,194 sq. ft.	40 ft.
Proposed property (as merged)	13,693 sq. ft.	80 ft.
Lots within Block 34		
Largest (subject property)	7,194 sq. ft.	
Smallest (211 Heliotrope)	3,965 sq. ft.	
Average Lot Area	5,683 sq. ft.	
2800 Ocean Blvd.	6,240 sq. ft.	96 ft.
2804 Ocean Blvd.	5,830 sq. ft.	190.50 ft.
2818 Ocean Blvd.	5,703 sq. ft.	
2824 Ocean Blvd.	5,513 sq. ft.	
2828 Ocean Blvd.	4,359 sq. ft.	
2811 Ocean Lane (alley)	5,761 sq. ft.	none
2821 Ocean Lane (alley)	5,761 sq. ft.	none
211 Heliotrope	3,965 sq. ft.	
Neighboring Lots (inland side of Ocean Blvd.)		
2900 Ocean Blvd.	13,326 sq. ft.	
2908 Ocean Blvd.	10,049 sq. ft.	
3222 Ocean Blvd.	14,579 sq. ft.	111 ft.



Lot Merger Ordinance

• Compliance Required •

19.04.020 Purpose

1. The creation of subdivisions which are consistent with and serve to implement the policies and provisions of the General Plan;
2. The conservation of open space in the City;
3. The protection of landowners, lot purchasers and surrounding residents;
4. The provision of orderly and controlled growth within the City;
5. The provision of adequate traffic circulation, utilities and other services;
6. The protection and stabilization of property values; and
7. The preservation of the public health, safety and general welfare.

Lot Merger (Pre 2009)

(Ordinance 2001 – 10)

An application for a Lot Merger may be accepted when it can be determined that the proposal complies with the following specifications:

1. The lots to be merged are under common ownership at the time of the merger.
2. The lots as merged will be consistent with or will be more closely compatible with the applicable zone district regulations and other regulations relating to the subject property.
3. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger



Lot Merger (Post 2009)

(Ordinance 2009 – 30)

An application for a Lot Merger may be accepted when it can be determined that the proposal complies with the following specifications: (Chapter 19.68)

1. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.

2. The lots to be merged are under common fee ownership at the time of the merger.

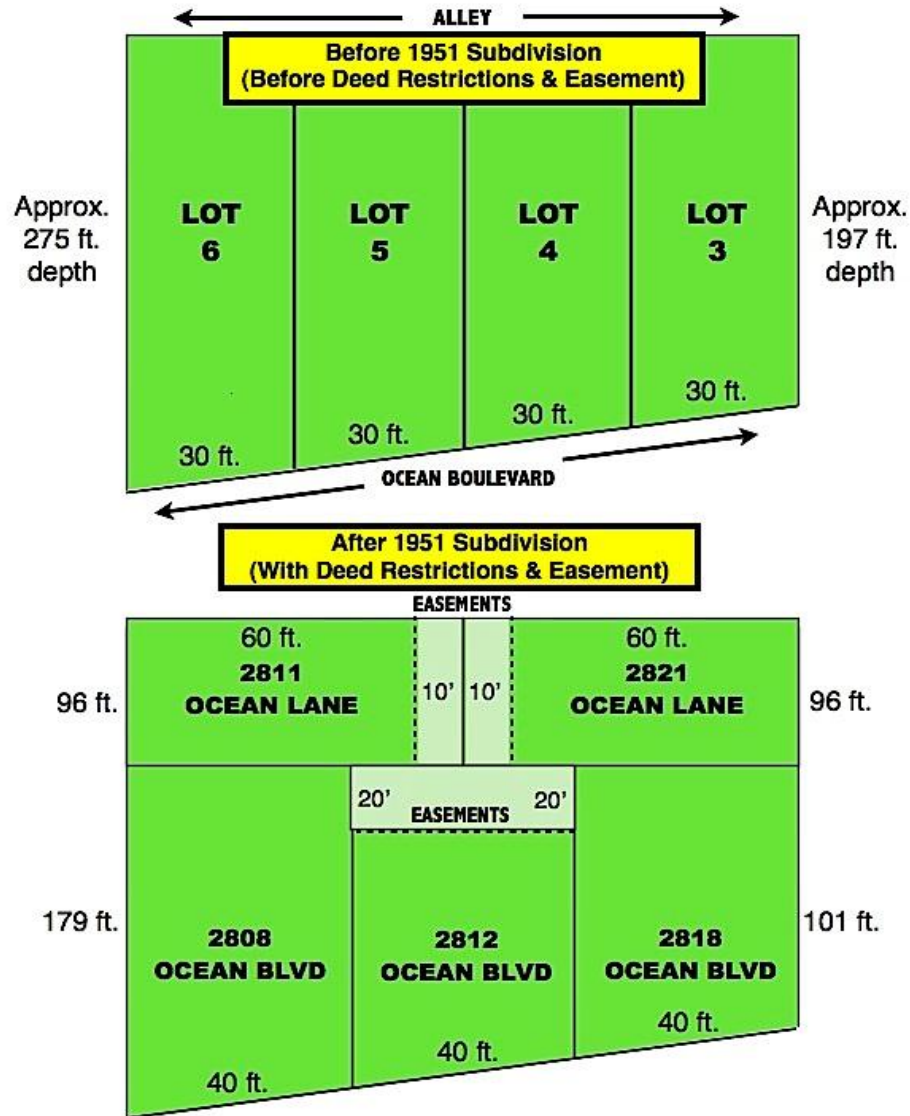
3. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

4. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.



5. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

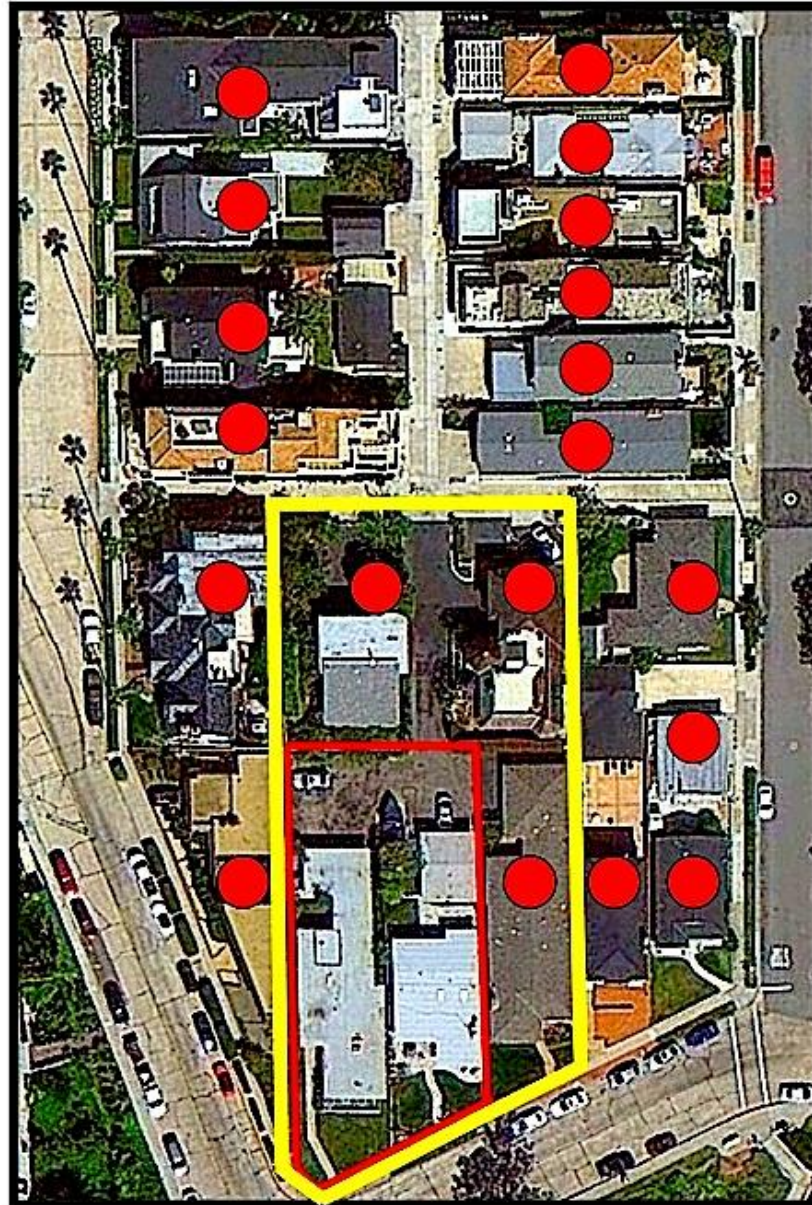
1951 Re-Subdivision of Lots (3,4,5,6 • Block #34)



- This 1951 Subdivision Divided 4 (30') Lots Into 5 Lots.
- As A Result 3 Deed Restrictions Relating To View Were Adopted.
- Consequently 8 Easements Were Put In Place (*Quid Pro Quo*).
- Lots Are Integrally Connected • Any Change To One Affects All.

BLOCK #34
UNANIMOUSLY OPPOSES
LOT MERGER

● - RED DOTS : SIGNED PETITION



• **IMPACT OF MERGER** •
ON NEIGHBORHOOD



**VIEW FROM LOOKOUT POINT
(43% of Frontage of Entire Block 34)
(90' Feet On Ocean Boulevard)**





Corona del Mar Village

City of Newport Beach

... AREA SURVEYED ...

OCEAN BLVD – BAYSIDE DR
CARNATION AVE – POPPY AVE

• Number of Lots & Percentage •

46.0%

258
Lots

0 - 4,000

43.1%

242
Lots

4 - 6,000

8.4%

47
Lots

6 - 8,000

9 Lots

1.6%

8 - 10,000

1 Lot

0.2%

10 - 12,000

1 Lot

13,325

0.2%

12 - 14,000

1 Lot

14,580

0.2%

14 - 16,000

• Lot Size (Square Feet) •

... STOP ...
THE LOT MERGER
OF 2808 & 2812 OCEAN BLVD.
(SUPPORT RESOLUTION NO. 1857)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH **'DENYING'**
LOT MERGER OF PROPERTIES LOCATED AT • **2808 & 2812 OCEAN BOULEVARD** • (PA2011-141)

REQUIRED FINDINGS FOR DENIAL (Ch.19.68) :

A-1 The lot merger would allow development that is incompatible with the size and mass of structures on neighboring properties within Block 34. The removal of the interior lot line would eliminate the interior side setback (three feet) on each property, create a buildable area greater than currently exists on the two separate lots, and eliminate the open space that the interior side setbacks currently provide.

B-1 The lot merger would create a lot size and configuration, which is inconsistent with the development pattern of the subject properties and surrounding lots within Block 34.

C-1 Approval of the merger will be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.

- *The conservation of open space in the City;*
- *The protection of landowners, lot purchasers and surrounding residents;*
- *The provision of orderly and controlled growth within the City;*
- *The protection and stabilization of property values;*

RESPONSIVE GOVERNMENT :

Elected officials and City staff listen and respond to the interests of residents.

**The undersigned ask to the Newport Beach City Council
support their decision & deny the appeal :**



• OLD CORONA DEL MAR •
(AT PRESENT TIME)



• NEW CORONA DEL MAR •
(13,500 SQ.FT. LOTS)



END
OF
PART 1

Dear Mayor Gardner & Fellow Members of the Newport Beach City Council:

On behalf of the John & Julie Guida Trust(s), we are requesting the City Council's approval of the Lot Merger for the properties located at 2808 & 2812 Ocean Boulevard in Corona del Mar. As you are aware, while the Zoning Administrator approved this Lot Merger on September 14, 2011, the item was appealed by the adjacent residents to the Planning Commission on October 20, 2011.

The Planning Commission denied the Zoning Administrator's approval on a set of Findings which we believe were not appropriate and based on inaccurate assumptions. We are therefore requesting, with our appeal of the Planning Commission's action, that you approve the Lot Merger.

While technically a Lot Merger is not based on the home that may be built on the merged lots, the appeal that went forward to the Planning Commission, was essentially based on the Guida's residence being "too tall". The resident's claimed the proposed home violates 1951 Joint Tenancy Grant Deed which stipulates a "one-story home(s)" be built on the properties in question. Their stated appeal was based however on the "health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood".

It should be noted that the proposed home meets all of the city's zoning, planning, and building standards and is in full compliance with all the city requirements.

Selected Facts in Support of the Finding:

F. **Finding:** The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

F-1. Corona del Mar consists of lots of varying shapes and sizes. **The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13.678 square feet.** Other nearby lots on Ocean Boulevard have lot widths as wide as 73 feet and area as large as 13,325 square feet. The merger of the two lots will not create an excessively large lot in comparison to many of the existing lots in the surrounding area.

In conclusion, we believe it is important to note that the Planning Commission came to their conclusions by a narrow view of the term "neighborhood". And made their findings based on the single block where these properties are located – Block 34 (Planning Commission Finding A-1). We agree with staff's interpretation of the term "neighborhood" as meaning the **general vicinity** and not a single Block where a property may be located.

We believe the proposed Lot Merger meets all the required findings and request the City Council's approval.

Sincerely,
Coralee S. Newman
(Applicant's Representative & Principal- Government Solutions, Inc.)



**The lots as merged will be consistent with the surrounding pattern of development and;
will not create an excessively large lot that is not compatible with the surrounding development**

Consistent:

- 1. Consistent with;**
- 2. Comparable to;**
- 3. Conforming with;**
- 4. Commensurate to;**
- 5. Equivalent to;**
- 6. Proportionate to.**

• ANOMALY •
Lots of
13,000 Sq. Ft.

• COMPARATIVE LOT SIZE •

Table 1: Project Characteristics

Property	Total Area (approximately)	Width (at widest point)
R-1 Zoning District Interior Lot Standards:	5,000 sq. ft.	50 feet
2808 Ocean Boulevard	7,217 sq. ft.	40 feet
2812 Ocean Boulevard	6,483 sq. ft.	40 feet
Proposed Merged Lot	13,699.58 sq. ft.	80 feet
Comparable Properties Adjacent to Ocean Boulevard		
2900 Ocean Boulevard	13,326 sq. ft.	66 feet
2908 Ocean Boulevard	10,049 sq. ft.	78 feet
3222 Ocean Boulevard	14,579 sq. ft.	111 feet

3 properties were used as evidence of comparable lot sizes. But none are in Block 34. As you can see there is a sharp drop off after the first three 14,579, 13,699, 13,326 and then a drop of 3,277 sq.ft to 10,049. His merged lot would be second largest in Old Corona Del Mar. They are in no way compatible or consistent to other properties in the surrounding neighborhood. In fact these lots are anomalies and they were merged prior to the Lot Merger Amendment (2009-30) which came into effect in 2009



• **PUBLIC & PRIVATE** •
LOSS OF VIEWS



43% OF FRONTAGE ON OCEAN BLVD.

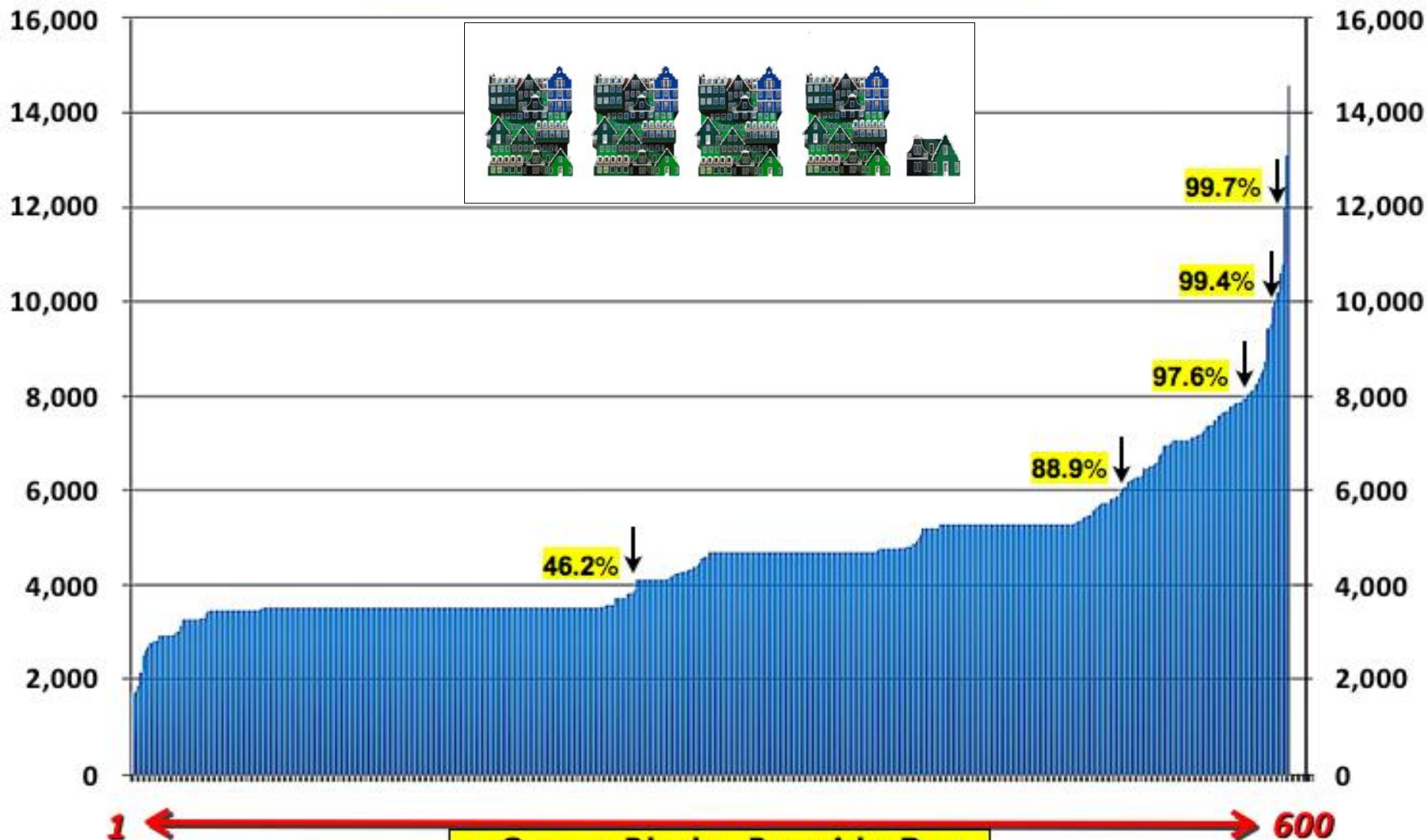


VIEW FROM BAYVIEW DRIVE

Lot
Sq. Ft.

OLD CORONA DEL MAR LOT SIZES • SQUARE FOOTAGE

Lot
Sq. Ft.



• Ocean Blvd – Bayside Dr •
Carnation Ave – Poppy Ave



Corona del Mar Village

City of Newport Beach

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

47,831

TOTAL
SQ.FT.
of
BLOCK

47,831

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

TOTAL
SQ.FT.
of
BLOCK

38,320

21,240

21,240

21,240

21,240

33,347

37,919

38,695

**Percentage
of Block 34**

52,366

13,699

• 26.2% •



Defending Private Property Rights:

- *Private property rights are increasingly being undermined and are the target of increasing assaults even though our government has a constitutional duty to preserve and protect them.*
- *When people's actions only affect themselves, we usually could care less what they do. But when individuals' actions begin to harm others, then we do care and we want to stop it.*
- *When the government does restrict the behavior of individuals, this is not necessarily a bad thing. These forms of "mutual coercion" are usually in the public interest and work to our common benefit.*
- *I know in my heart that man is good. That what is right will always eventually triumph. And there's purpose and worth to each and every life.*

"Protecting the rights of even the least individual among us is basically the only excuse the government has for even existing."

- Ronald Reagan

"There are no easy answers' but there are simple answers. We must have the courage to do what we know is morally right."

- Ronald Reagan

END
OF
PART 2

In April 2010 the Corona Del Mar Residents Association under the direction of **Karen Tringali**, took a **survey of all 6,350 residential households** in Corona del Mar (Zip 92625) regarding how the members of the community felt about saving and preserving the 1.5 FAR. The results were virtually unanimous. **Over 88% of survey respondents wanted to maintain the character and village atmosphere in the Flower Streets**, and didn't believe that could be achieved if the floor area ratio was increased any larger than 1.5. Based on the number of respondents and the overwhelming majority opinion, **it was determined that between 78%-98% of all Corona del Mar residents would have responded the same way.**

During that General Plan hearing, time and again residents stated their desire to: "Maintain the charm of our neighborhoods" and "Reign in the "mansionization" of our community".

IN OUR PETITION DRIVE SURVEY

• OVER 300 SIGNED •

• 101 OCEAN BLVD. RESIDENTS •

99% OF RESIDENTS OPPOSE THIS MERGER

PANORAMIC VIEW LOSS
FROM 2811 OCEAN LANE





LOT MERGER LAW

• Title 19 • Lot Mergers • **• (Ordinance 2009 – 30) •**

ALL FINDINGS
MUST BE MET
TO
APPROVE MERGER



19.04.020 Purpose

1. The creation of subdivisions which are consistent with and serve to implement the policies and provisions of the General Plan;
2. The conservation of open space in the City;
3. The protection of landowners, lot purchasers and surrounding residents;
4. The provision of orderly and controlled growth within the City;
5. The provision of adequate traffic circulation, utilities and other services;
6. The protection and stabilization of property values; and
7. The preservation of the public health, safety and general welfare.

19.68 Lot Merger

An application for a Lot Merger may be accepted when it can be determined that the proposal complies with the following specifications: (Chapter 19.68)

1. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.

2. The lots to be merged are under common fee ownership at the time of the merger.

3. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

4. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

5. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

FILED
JUL 10 1906

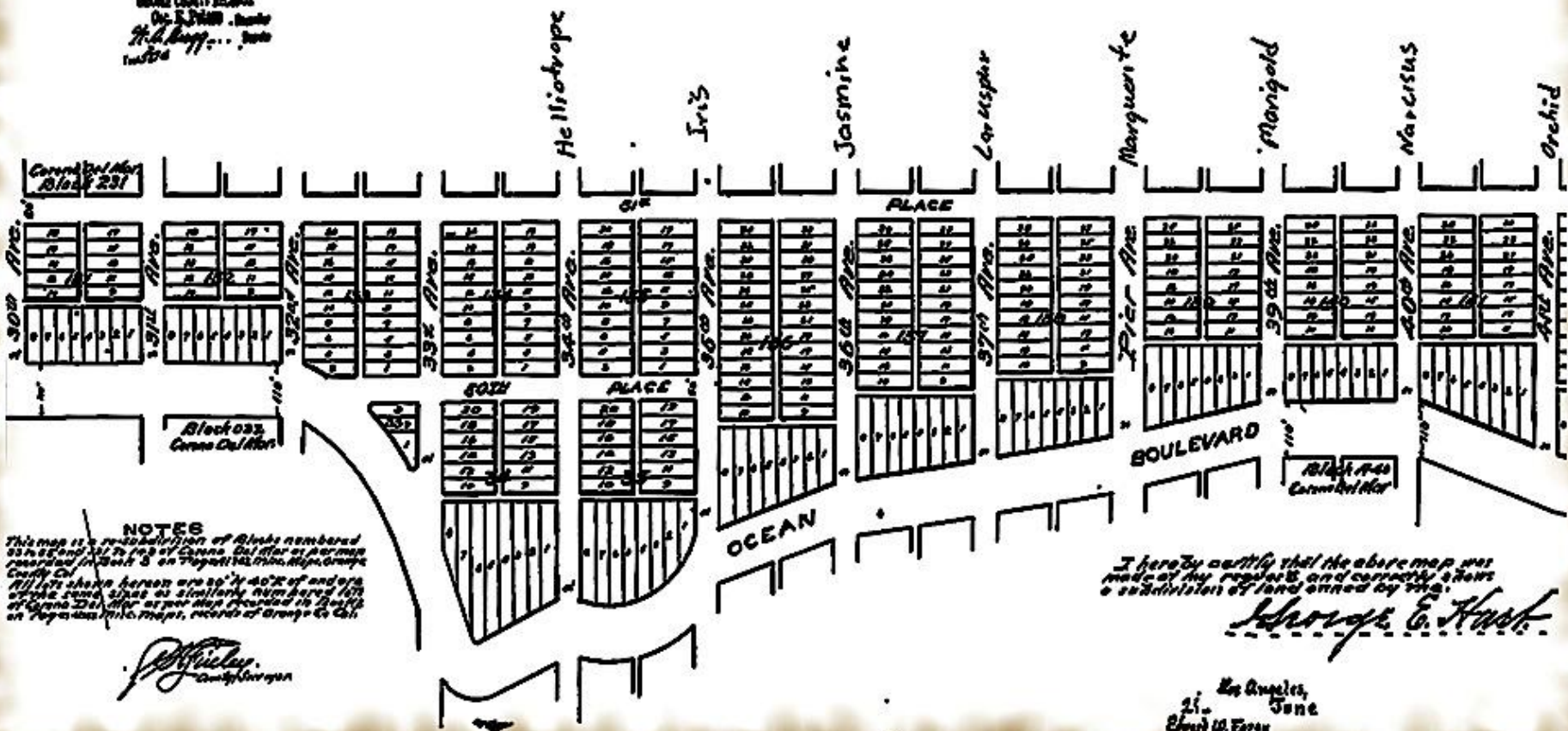
229-10-10 et seq. to
of record of
Owner
ORANGE COUNTY RECORDS
Oct. 1, 1900. Book
H. H. Hagg...
1000

GOLDEN STATE TRACT

MAP OF

Re-Subdivision of

CORONA DEL MAR



NOTES
This map is a re-subdivision of Blocks numbered 231 to 234 of Corona Del Mar as per map recorded in Book 5 on Page 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

I hereby certify that the above map was made of the regular and correctly shown a subdivision of land owned by me.

George E. Frost

Los Angeles, June 21, 1906
Chas. W. Enos

Guida Residence

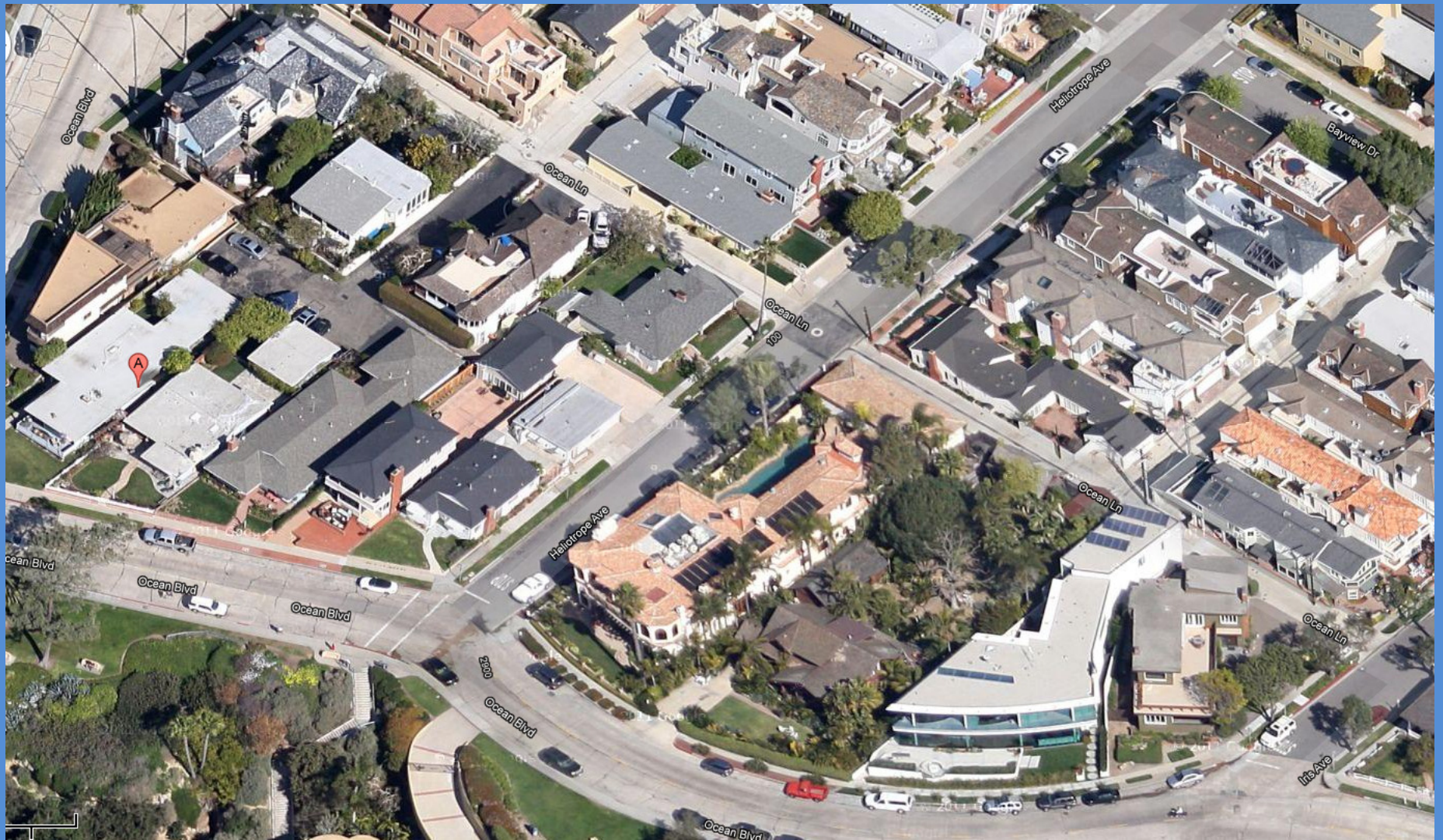
2808 & 2812 Ocean Blvd

Proposed Lot Merger Presentation



















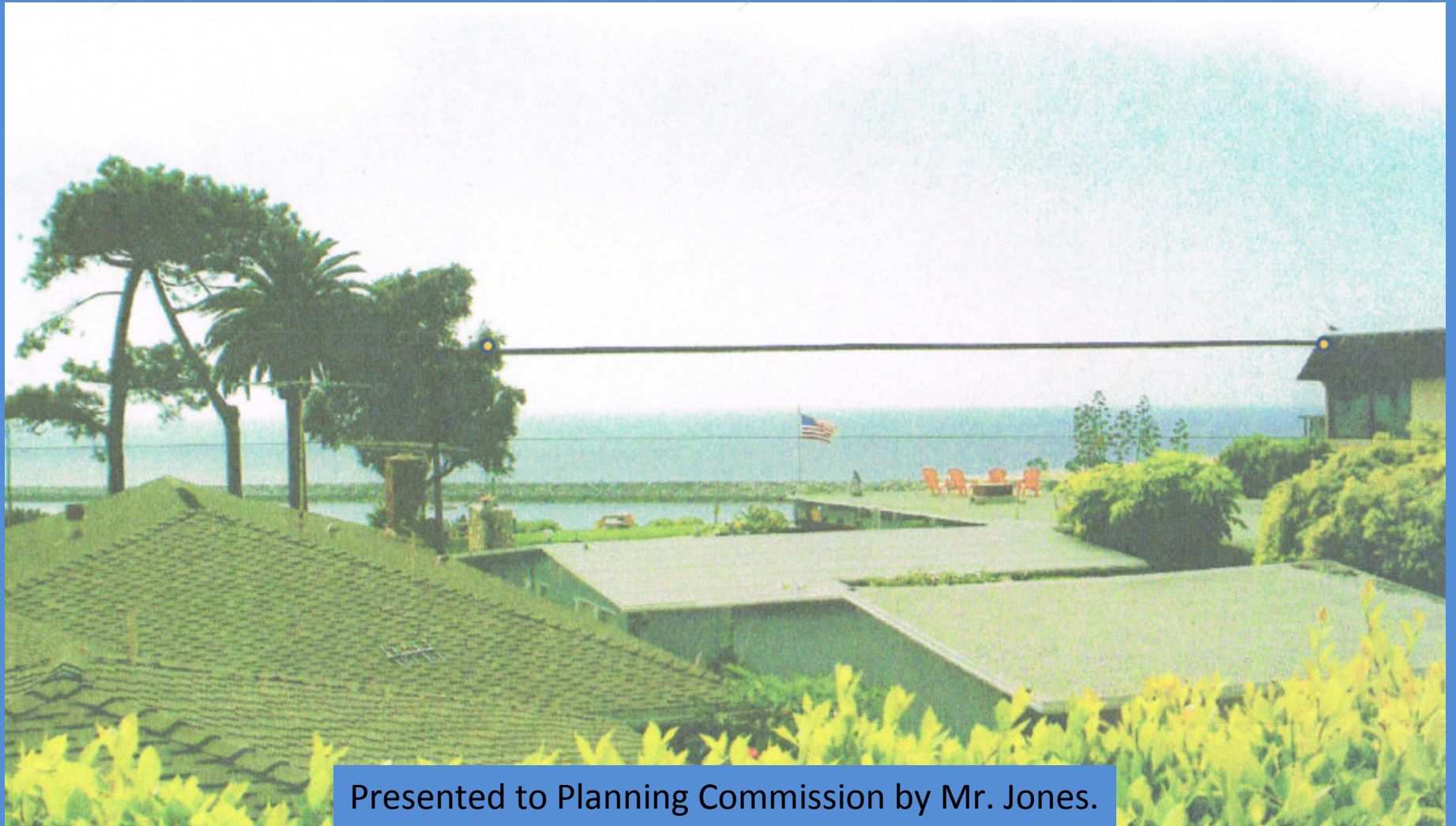
Presented to Planning Commission by Mr. Jones.

2811 OCEAN LANE

+6' ELV. & ETC

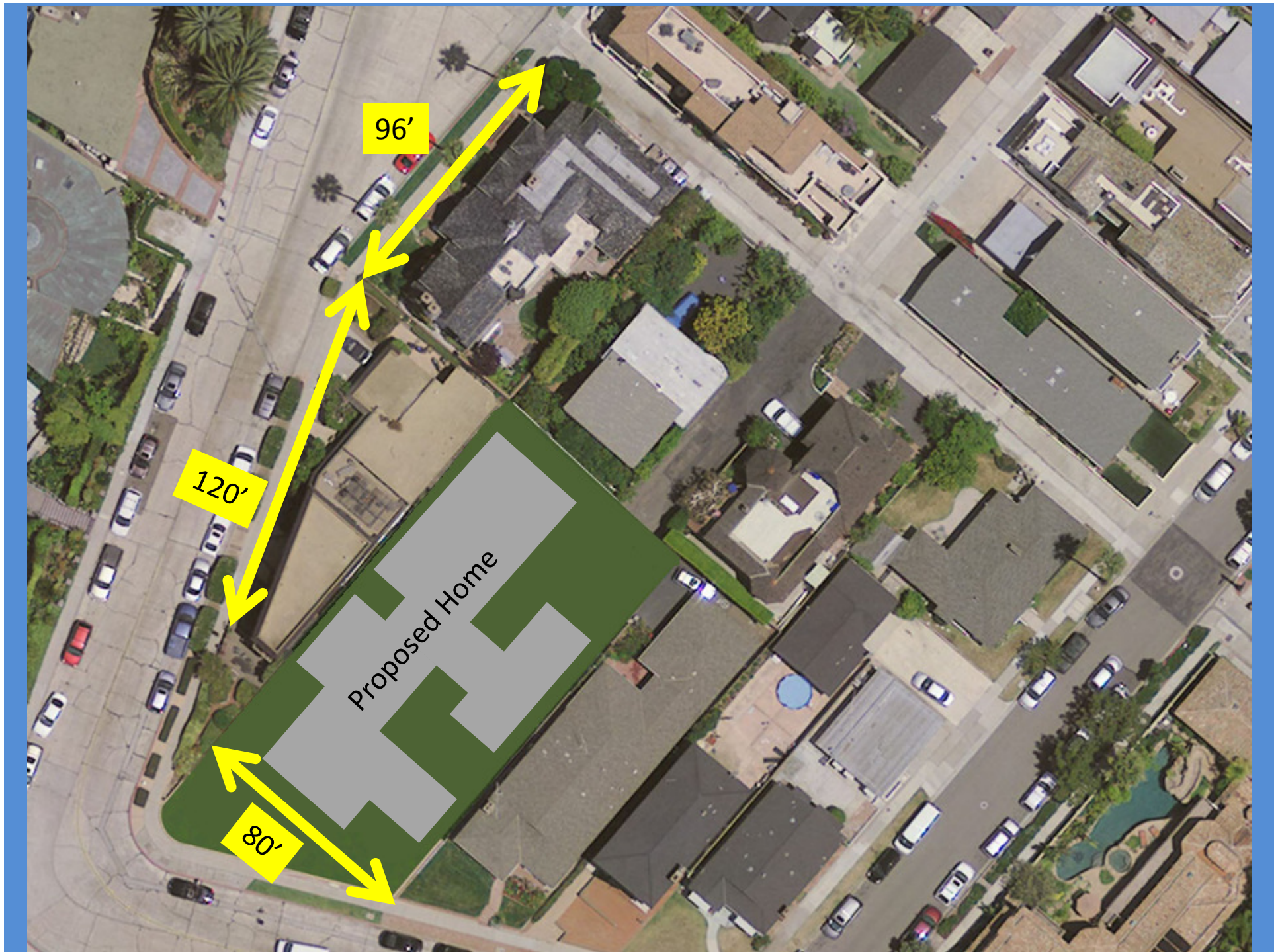


Presented to Planning Commission by Mr. Jones.



Presented to Planning Commission by Mr. Jones.







96' Lot Frontage
Full Two story













Building Footprint:
4407 Sq. Ft

Building Footprint:
3194 Sq. Ft

Total 7,601



Above Ground including Garage 5,952.05 S.F

Shot #1
Existing



Shot #1
REV 1



Shot #1
REV 2



Shot #2
Existing



Shot #2
REV 1



Shot #2
REV 2



Shot #3
Existing

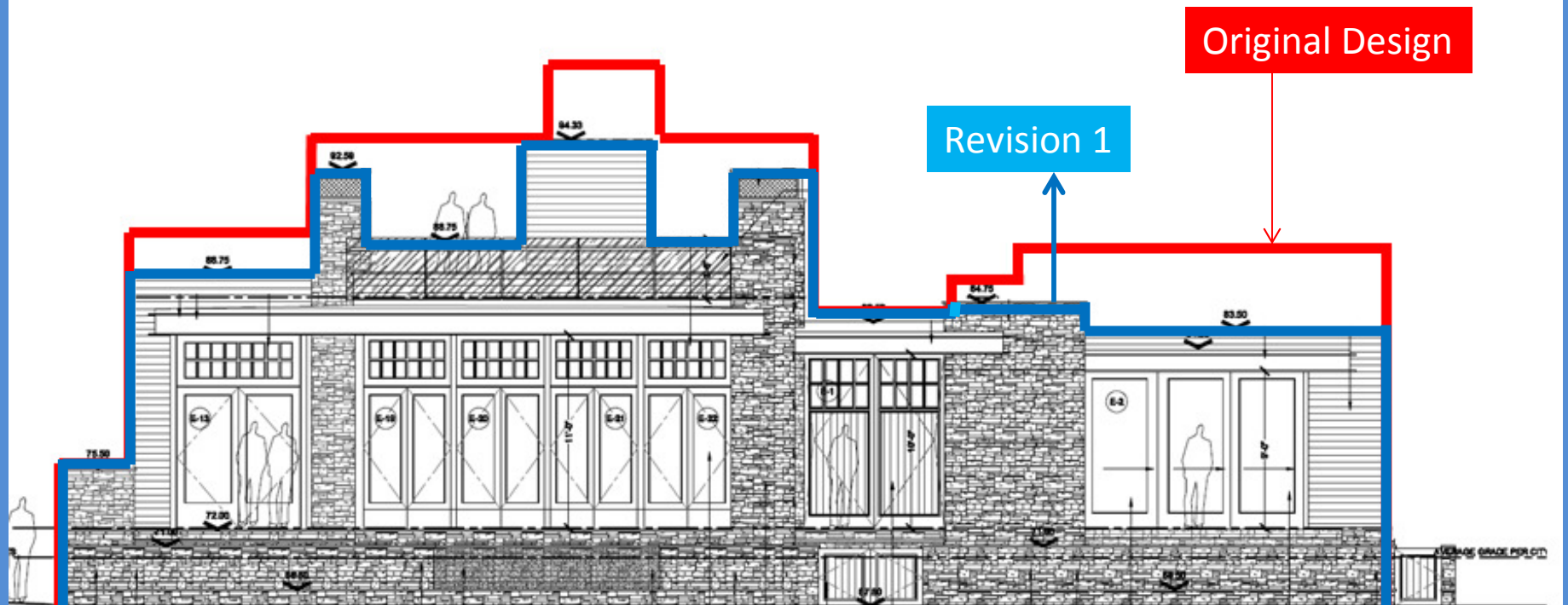


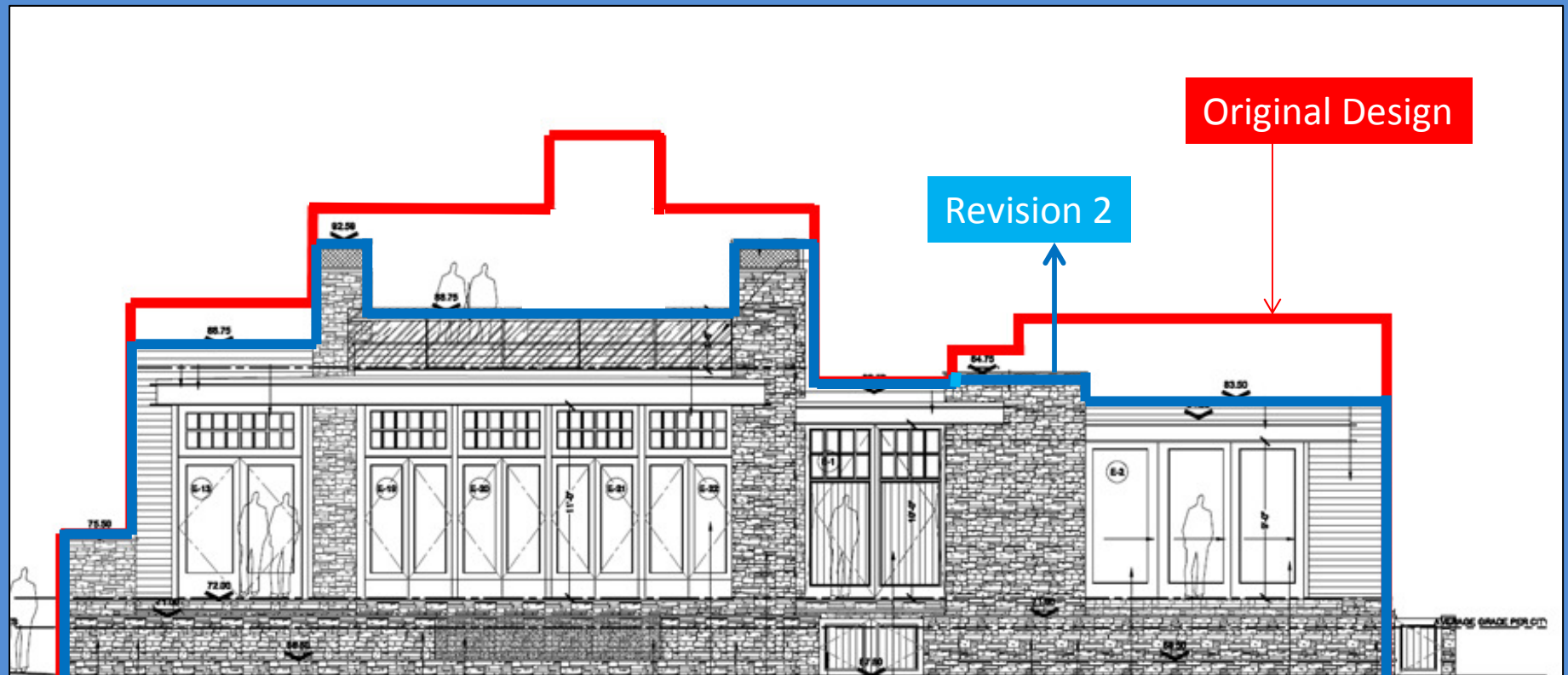
Shot #3
REV 1



Shot #3
REV 2









Conclusion

City Requirements

Proposed Development Standards

Merged Lots Buildable Area

10,046 SF

Maximum Floor Area Limit

1.5 F.A.L

15,069 SF

Per Newport Beach Zoning Code
Subterranean Basements
SF does not count toward F.A.L

10,046 SF

1.0 F.A.L

10,046 SF

City Requirements

Proposed For Flat Roof One-Story Home

Base Height Zone R-1
Allowed Maximum Building Height

Proposed Maximum Building Height:
All Heights measured from Established
Grade of 70.20'

24'-0" For flat roof

34% up to 15'-6"
(Floor of Roof Deck)

33% up to 15'
(Measured to Top of Roof)

33% up to 14'
(Measured to Top of Roof)

Height Based on Established Grade of: 70.2'

Height Based on Established Grade of: 70.20'

By averaging four corners of

71.4'

72.4'

68.7'

68.3'

Total $280.8/4 =$

70.2'

Side Yard Set backs

Existing city requirements

4'

New Side
Yard set backs
6'

